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CONSTITUTIONAL CONVENTION OF MARYLAND
JOURNAL OF PROCEEDINGS

Annapolis, Md., Thurs., Nov. 2, 1967

The Convention met at 2:00 o'clock P.M.

Invocation was offered by Rev. Monsignor Henry Rotrige, U.S. Navy, Washington, D.C.

Present at the roll call were the following delegates:

President, Tawes, Clark J., James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Bothe, Boyce, Boyer, Bradshaw, Burdette, Burgess, Bushong, Buzzell, Byrnes, Caldwell, Cardin, Case, Chabot, Child, Cicone, Clarke E.J., Cleveland, Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Finch, Fornos, Frederick, Gallagher, Gilchrist, Gill, Gleason, Groh, Grumbacher, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Linton, Lord, Malkus, Marion, Mason, Maurer, Mentzer, Miller B., Miller E.T., Morgan, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Neilson, Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Ritter, Robey F.C., Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Vecera, Webb, Weidemeyer, Wheatley, White, Willis, Willoner.

Total--122

The President excused the following delegates from today's session because of a committee meeting:

M. Peter Moser, Chairman

Samuel W. Barrick
Roy Borom
Henry B. Boyles
Mary B. Bryson
Robert J. Carson
Hal C.B. Clagett
Quintin T. Eckenrode
Hamilton P. Fox
Leah S. Freedlander
William W. Grant
William W. Gullett
John F. Leitzel
David Macdonald
Howard J. Needle
John W. Neumann
Catherine B. Ulrich
Charles L. Wagandt
Clinton I. Winslow

Maryland

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Clinton L. Winston

Charles L. Winston

Carlton G. Winston

John W. Winston

Howard A. Winston

David Winston

John E. Winston

William W. Winston

William W. Winston

Jack E. Winston

William F. Winston

Hal G. Winston

Robert J. Winston

Harry A. Winston

Harry A. Winston

Ray Winston

Samuel G. Winston

W. Winston

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REPORT OF COMMITTEE ON CALENDAR AND AGENDA

Mr. Powers, Chairman of the Committee on Calendar and Agenda, reported the daily calendar and agenda.

WHICH WAS READ AND ADOPTED BY VOICE VOTE.

REPORTS OF OTHER STANDING COMMITTEES

Mr. Elroy G. Boyer, Chairman of the Committee on General Provisions, offered Committee Recommendation No. GP-2.

A RECOMMENDATION that the Constitution include a provision on oath.

* * *

WHICH WAS READ AND REFERRED TO THE COMMITTEE OF THE WHOLE.

Committee Memorandum No. GP-2 was offered in support of Committee Recommendation No. GP-2.

Mr. Scanlan, Chairman of the Rules, Credentials and Convention Budget, reported on the twelfth Report of the Committee on Rules, Credentials and Convention Budget which was introduced on October 30, 1967.

* * *

AMENDMENT TO RULE 33

* * *

The Committee on Rules proposes that present Rule 33 be deleted and that there be substituted therefor the following language:

"Rule 33. Amendments in Committee of the Whole. Amendments offered in Committee of the Whole shall be subject to Rule 46A, Amendments Required to be Printed."

WHICH AMENDMENT WAS READ AND ADOPTED.

* * *

The Committee proposes that Rule 36 be amended by inserting the following language:

FIRST: After the words "... except that the Committee of the Whole cannot adjourn the Convention; " insert: "no question may be laid on the table;"

SECOND: After the words " . . . a majority of the Committee shall govern its action; " insert: "any motion to postpone further consideration shall be debatable for ten (10) minutes on each side, no speech thereon to exceed two (2) minutes;"

WHICH AMENDMENT WAS READ AND ADOPTED.

* * *

AMENDMENTS TO RULE 40

★ ★ ★

The Committee proposes that Rule 40 be amended by inserting after the first sentence of the present Rule the following:

"A 'motion' within this rule includes only the privileged motions listed in Rule 43 or a motion of merely procedural character, such as to take from the table, to send the sergeant-at-arms for absentees, etc. All other matters (except delegate proposals and committee recommendations) shall be presented as resolutions".

WHICH AMENDMENT WAS READ AND ADOPTED.

★ ★ ★

AMENDMENT TO INSERT RULE 44-A.

The Committee proposes that a new rule 44-A be added to follow Rule 44 and to read as follows:

"Rule 44-A. Motion to Take From the Table. After one session days' notice any matter laid on the table may be taken therefrom on motion, provided, that business of the class of the matter to be taken from the table would then be in order."

WHICH AMENDMENT WAS READ AND ADOPTED.

★ ★ ★

AMENDMENT TO INSERT RULE 46-A

The Committee recommends that the following language be adopted as a new Rule 46-A to follow Rule 46:

"Rule 46-A. Amendments to be Printed. No amendment to any committee recommendation or delegate proposal shall be considered unless it is submitted in writing and a copy thereof delivered to the floor desk of each delegate prior to the time the amendment is offered."

WHICH AMENDMENT WAS READ AND ADOPTED.

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AMENDMENT TO RULE 47

★ ★ ★

The Committee recommends that the following language be added to the last sentence of Rule 47:

"Whenever a question has been divided, no final vote shall be taken on any division until all of the divisions thereof have been

considered for amendment, after which further amendments to any division, and thereafter each division will be put to final vote."

WHICH AMENDMENT WAS READ AND ADOPTED.

AMENDMENT TO RULE 50

The Committee recommends present Rule 50 be deleted and that there be substituted therefor the following:

"Rule 50. Reconsideration in Convention.

(a) Any question finally adopted or rejected by the Convention may be reconsidered on motion of any delegate at any time before the Convention adjourns sine die.

(b) No question may be reconsidered more than once, except if reconsideration is moved by direction of the Committee on Drafting, Style, and Arrangement, or by the Convention Committee which reported on the matter to be reconsidered, or if moved after submission of a petition signed by fifteen (15) delegates to the Convention.

(c) A motion to reconsider in Convention may not be called up until the second session day after it is moved, and shall require an affirmative vote of a majority of the delegates to the Convention.

(d) A motion to reconsider in Convention may be laid on the table independent of the question to be reconsidered; but a motion to reconsider moved by direction of a committee or pursuant to petition of the required number of delegates as provided above shall be in order without regard to the tabling of any previous motion to reconsider."

WHICH AMENDMENT WAS READ AND ADOPTED.

INTRODUCTION AND FIRST READING AND REFERENCE OF PROPOSALS

The President announced that Delegate Proposal No. 386 was referred to the Committee on The Executive Branch. Also Delegate Proposal No. 441 was referred to the Committee on Personal Rights and the Preamble.

ANNOUNCEMENTS

President Eney announced that pursuant to the provisions of Convention Rule 70C the following absences of delegates have been excused.

<u>DELEGATE</u>	<u>DATE</u>	<u>EXCUSE</u>
Eckenrode	10/19, 10/20	Illness in Immediate Family
Fox	10/23	Discussion of Convention Proceedings with City Council of Salisbury and County Council of Wicomico County
Grant	10/23,10/24, 10/25,10/26	Death in Immediate Family
Rollins	10/30	Illness in Immediate Family

At 3:09 o'clock P.M. on motion of Mr. Powers, duly seconded, the Convention adjourned until Friday, November 3, 1967, at 2:00 P.M.

CONSTITUTIONAL CONVENTION OF MARYLAND
JOURNAL OF PROCEEDINGS

Annapolis, Md., Fri., Nov. 3, 1967

The Convention met at 2:00 o'clock P.M.

Invocation was offered by Father Gabriel Briestensky, St. Benedicts Catholic Church, Baltimore, Maryland.

Present at the roll call were the following delegates:

President, Clark J., James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Cleveland, Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Miller B., Miller E.T., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price, Raley, Ritter, Robey F.C., Robie K.L., Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total--136

REPORT OF COMMITTEE ON CALENDAR AND AGENDA

Mr. Powers, Chairman of the Committee on Calendar and Agenda, reported on the daily calendar and agenda.

WHICH WAS READ AND ADOPTED BY VOICE VOTE.

REPORTS OF OTHER STANDING COMMITTEES

Mr. Boyer, Chairman of the Committee on General Provisions, offered Committee Recommendation GP-3

A RECOMMENDATION that the Constitution include a provision on natural resources.

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WHICH WAS READ AND REFERRED TO THE COMMITTEE OF THE WHOLE.

Committee Memorandum No. GP-3 was offered in support of Committee Recommendation No. GP-3.

★ ★ ★

Helen L. Koss, Chairman of the Committee on Suffrage and Elections, offered Committee Recommendation No. S&E-1.

A RECOMMENDATION that the Constitution include a provision on Referendum.

* * *

WHICH WAS READ AND REFERRED TO THE COMMITTEE OF THE WHOLE.

Committee Memorandum No. S&E-1 was offered in support of Committee Recommendation No. S&E-1.

* * *

INTRODUCTION AND FIRST READING AND
REFERENCE OF PROPOSALS

Delegate Proposal No. 444-- By Delegate Chabot

A PROPOSAL that any citizen of this state shall have the right to maintain a judicial action or proceeding against any officer, employee, or instrumentality of the state or a political subdivision thereof, to restrain a violation of the provisions of this constitution or the constitution of the United States, including unconstitutional expenditures.

WHICH WAS READ THE FIRST TIME AND REFERRED TO THE COMMITTEE ON PERSONAL RIGHTS AND THE PREAMBLE.

At 2:20 o'clock P.M. Mr. Powers, duly seconded, moved that the Convention now resolve itself into the Committee of the Whole for consideration of the General Orders of the Day, including Committee Recommendation S&F-1 and Committee Report SF-1

SAID MOTION PREVAILED BY YEAS AND NAYS BY VOICE VOTE.

GENERAL ORDERS OF THE DAY

Committee of the Whole. Mr. Eney chaired the Committee meeting.

Mr. Sherbow, Chairman of the Committee on State Finance and Taxation, reported on Committee Recommendation No. SF-1.

The Committee on State Finance and Taxation recommends that the Constitution include the following provision on the post audit of State finances:

The General Assembly shall provide by law for post audit of State finances by persons under its control.

Amendment No. 1 To Committee Recommendation No. SF-1.

BY THE COMMITTEE ON STATE FINANCE AND TAXATION from the floor. The amendment was duly seconded.

Strike out the words "The General Assembly shall provide by law for post audit of State finances by persons under its control", and insert in lieu thereof the words "The General Assembly shall provide by law for post-audit of State finances by an agency of.

the General Assembly directed by a person appointed by it and under its control"

WHICH AMENDMENT WAS READ AND ADOPTED BY VOICE VOTE.

The question was then put to the delegates on COMMITTEE RECOMMENDATION SF-1 as amended.

COMMITTEE RECOMMENDATION SF-1 AS AMENDED WAS APPROVED BY YEAS AND NAYS BY VOICE VOTE.

Mr. Sherbow, Chairman of the State Finance and Taxation Committee reported on COMMITTEE REPORT NO. SF-1.

A REPORT on the proposed omission from the Constitution of Article III, Section 35A of the present Constitution.

* * *

WHICH REPORT WAS READ AND APPROVED BY VOICE VOTE.

Mr. Powers, duly seconded, moved that the Committee of the Whole rise and report to the Convention that Committee Recommendation SF-1 as amended, along with Committee Report SF-1, was approved.

SAID MOTION PREVAILED BY YEAS AND NAYS BY VOICE VOTE.

The Convention resumed its session at 3:00 P.M.

The President reported to the Convention that the Committee of the Whole had considered Committee Recommendation SF-1 and substituted the language in Amendment No. 1 for the Recommendation.

On motion, duly seconded, the Report of the President to the Convention from the Committee of the Whole was approved and Committee Recommendation SF-1 along with Amendment No. 1 was referred to the COMMITTEE ON STYLE, DRAFTING AND ARRANGEMENT.

The President also advised the Convention that Committee Report SF-1 had been considered and approved by the Committee of the Whole.

On proper motion, duly seconded, Committee Report No. SF-1 was approved by the Convention delegates.

At 3:08 o'clock P.M. on motion of Mr. Powers, duly seconded, the Convention adjourned until Monday, November 6, 1967, at 4:00 P.M.

CONSTITUTIONAL CONVENTION OF MARYLAND
JOURNAL OF PROCEEDINGS

Annapolis, Md., Monday, Nov. 6, 1967

The Convention met at 4:00 o'clock P.M.

Invocation was offered by Father Francis Veith, St. Michael's Catholic Church, St. Mary's County, Maryland.

Present at roll call were the following delegates:

President, Tawes, James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clark E.J., Cleveland, Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D.S., Murray E. C., Needle, Neilson, Neumann, Smith A.W., Penniman, Peters, Powers, Price, Pullen, Raley, Robey F.C., Robie K. L., Rollins, Rosenstock, Rush, Rybczynski, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith J. H., Smith M. H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H. E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Ritter, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.
Total--135.

REPORT OF COMMITTEE ON CALENDAR AND AGENDA

Mr. Powers, Chairman of the Committee on Calendar and Agenda, reported the daily calendar and agenda.

WHICH WAS READ AND ADOPTED BY VOICE VOTE.

REPORTS OF OTHER STANDING COMMITTEES

Mr. Mudd, Chairman of the Committee on the Judicial Branch, offered Committee Recommendation No. JB-1.

A RECOMMENDATION that the Constitution contain an Article V establishing the Judicial Branch of the State Government.

* * *

WHICH WAS READ AND REFERRED TO THE COMMITTEE OF THE WHOLE.

Committee Memorandum No. JB-1 was offered in support of Committee Recommendation No. JB-1.

Minority Report No. LB-1 (A)--By Delegates Hanson, Miller, Sollins, Gill of the Committee on the Legislative Branch.

This Minority Report relates to Committee Recommendation No. LB-1.

A MINORITY REPORT that Article III of the new Constitution provide for a unicameral legislature composed of 100 members elected from single member districts.* * *

WHICH WAS READ.

Minority Report No. LB-1 (B)--By Delegates Clark, Hanson, Hopkins, Sollins of the Committee on the Legislative Branch.

This Minority Report relates to Committee Recommendation No. LB-1.

A MINORITY REPORT that Section 3.04 of the new Constitution provide for a Senate of 40 members and a House of Delegates of 80 members.

* * *

WHICH WAS READ.

Minority Report No. LB-1 (D)--By Delegates Gleason, Linton, Della, Peters of the Committee on the Legislative Branch.

This Minority Report relates to Committee Recommendation No. LB-1.

A MINORITY REPORT that Section 3.04 of the new Constitution permit the General Assembly to set its own size.

* * *

WHICH WAS READ.

Minority Report No. LB-1 (E)--By Delegates Hopkins, Sollins, Hanson, Clark of the Committee on the Legislative Branch.

This Minority Report relates to Committee Recommendation No. LB-1.

A MINORITY REPORT that Section 3.05 of the new Constitution not contain a district residence requirement for running for the General Assembly.

* * *

WHICH WAS READ.

Minority Report No. LB-1 (F)--By Delegates Bard, Gleason, B. Miller, Sollins, Hanson of the Committee on the Legislative Branch.

This Minority Report relates to Committee Recommendation No. LB-1.

A MINORITY REPORT that Section 3.12 provide for legislative termination of sessions of the General Assembly.

* * *

WHICH WAS READ.

At 4:17 P.M. Mr. Powers, duly seconded, moved that the Convention now resolve itself into the Committee of the Whole for consideration of the General Orders of the Day.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

COMMITTEE OF THE WHOLE GENERAL ORDERS OF THE DAY

Mr. Eney chaired the Committee meeting.

Consideration of Committee Recommendation GP-2

Mr. Boyer, Chairman of the Committee on General Provisions, reported on Committee Recommendation No. GP-2.

The Committee on General Provisions recommends that the Constitution include the following provision on oath:

Every person elected or appointed to any office of profit or trust under the Constitution or laws of this State shall, before he enters upon the duties of such office, take and subscribe the following oath or affirmation: "I, _____, do swear (or affirm) that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of Maryland and support the Constitution and laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice execute the office of _____, according to the Constitution and laws of this State." No other oath or affirmation shall be required.

Should any person elected or appointed to an office of profit or trust refuse or neglect to take the oath or affirmation, then such office shall be vacant, and shall be filled as provided by law.

Amendment No. 1--By Delegates Rybczynski and Rush from the floor.
The amendment was duly seconded.

On page 1, line 12 of Committee Recommendation No. GP-2,
after the quotation mark, insert the words: "(In the presence
of Almighty God)".

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS
FOLLOWS:

Affirmative

Delegates--

Tawes, Adkins, Anderson, Armor, Barrick, Baumann, Beachley, Beall
Boyer, Burdette, Burgess, Bushong, Caldwell, Child, Cicone, Clagett,
Dabrowski, Darby, Della, Dorsey, Dukes, Eckenrode, Finch, Fornos,
Frederick, Gill, Gleason, Grant, Hargrove, Harkness, Harris, Hickman,
Hopkins, Hostetter, Johnson, Kahl, Kirkland, Kosakowski, Leitzel,
Malkus, Morgan, Mosner, Mudd, Murphy, Murray D.S., Murray E.C.,
Neilson, Smith A.W., Peters, Price, Pullen, Robey F.C., Rollins,
Rosenstock, Rush, Rybczynski, Schneider, Smith M.H., Sosnowski,
Soul, Stern, Sybert, Taylor H.E., Vecera, Webb, Ritter, Weidemeyer,
Wheatley. Total--68.

Negative

Delegates--

President, James, Abramson, Bamberger, Bard, Bennett, Blair, Boileau,
Borom, Bothe, Boyce, Bradshaw, Bryson, Buzzell, Byrnes, Cardin,
Carson, Case, Chabot, Clarke E.J., Cleveland, Dulany, Freedlander,
Gallagher, Gilchrist, Groh, Grumbacher, Hanson, Hardwicke, Henderson,
Hutchinson, Jett, Kiefer, Koger, Koss, Linton, Lord, Macdonald,
Marion, Mason, Maurer, Miller B., Mitchell, Moser, Needle, Neumann,
Penniman, Powers, Raley, Schloeder, Sherbow, Sickles, Siewierski,
Singer, Smith J.H., Sollins, Storm, Taylor L., Ulrich, White,
Willis, Willoner, Winslow. Total--63.

Not Voting

Delegates--

Clark J., Boyles, Fox, Gullett, Key, Mentzer, Miller E. T.,
Pascal, Robie K.L., Scanlan, Wagandt. Total--11.

Mr. Powers, duly seconded, moved that the Committee rise and
report to the Convention that Committee Recommendation No. GP-2
had been approved and with one amendment adopted.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

At 5:06 o'clock P.M. the Convention resumed its regular session.

ANNOUNCEMENTS

The President reported to the Convention that the Committee of the Whole had approved Committee Recommendation GP-2 along with one amendment and referred the Recommendation and the amendment to the Committee on Style, Drafting and Arrangement.

ADJOURNMENT

Mr. Powers, duly seconded, moved that the Convention adjourn to Tuesday, November 7, 1967 at 10:00 A.M.

Mr. Vecera, duly seconded, moved to substitute "That the Convention adjourn to Wednesday, November 8, 1967 at 10:00 A.M."

Mr. Bard, duly seconded, moved to amend the main motion (by Mr. Powers) by striking out "10:00 A.M." and inserting "12:00 noon", so that as amended the main motion would read "That the Convention adjourn to Tuesday, November 7, 1967 at 12:00 o'clock noon".

Amendment (by Bard) agreed to 76-57 as follows:

Affirmative

Delegates--

Tawes, James, Abramson, Adkins, Bamberger, Bard, Barrick, Beachley, Beall, Bennett, Blair, Boileau, Borom, Boyce, Boyles, Bryson, Burgess, Bushong, Buzzell, Byrnes, Cardin, Carson, Case, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Della, Dorsey, Finch, Frederick, Freedlander, Gallagher, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Hutchinson, Jett, Johnson, Kahl, Kiefer, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Mason, Maurer, Mentzer, Miller B., Morgan, Needle, Neumann, Smith A.W., Raley, Robey F.C., Schloeder, Schneider, Sherbow, Siewierski, Singer, Smith M.H., Sollins, Storm, Sybert, Taylor L., Wagandt, White, Winslow. Total--76.

Negative

Delegates--

Anderson, Armor, Baumann, Bothe, Boyer, Bradshaw, Burdette, Caldwell, Chabot, Cleveland, Dukes, Dulany, Eckenrode, Fornos, Gilchrist, Gill, Gleason, Grant, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Kirkland, Malkus, Marion, Mitchell, Moser, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Neilson, Penniman, Peters, Powers, Price, Pullen, Robie K. L., Rollins, Rosenstock, Rush, Rybczynski, Sickles, Smith J.H., Sosnowski, Soul, Stern, Taylor H.E., Ulrich, Vecera, Webb, Weidemeyer, Willis, Willoner. Total--57.

Not Voting

Delegates--

President, Clark J., Fox, Key, Miller E.T., Pascal, Scanlan,
Ritter, Wheatley. Total--9

The President put the question on Mr. Vecera's substitute motion and that failed by yeas and nays voice vote.

The President then put the question on the main motion as amended to 12:00 o'clock noon, November 7, 1967, and that motion passed.

At 5:55 o'clock P.M., the Convention adjourned to 12:00 o'clock noon, November 7, 1967.

CONSTITUTIONAL CONVENTION OF MARYLAND

JOURNAL OF PROCEEDINGS

Annapolis, Maryland
Tuesday, Nov. 7, 1967

The Convention met at 12:00 o'clock noon .

Invocation was offered by Reverend Charles Daugherty, Chapel of the Ascension, Lexington Park, Maryland.

Present at the roll call were the following delegates:

President, Tawes, Clark J., James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E. J., Cleveland, Dabrowski, Darby, Della, Dorsey, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Kiefer, Kirkland, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Ritter, Robey F. C., Robie K. L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A. W., Smith J. H., Smith M. H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H. E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.
Total--138

REPORT OF COMMITTEE ON CALENDAR AND AGENDA

Mr. Powers, Chairman of the Committee on Calendar and Agenda, reported the daily calendar and agenda.

WHICH WAS READ AND ADOPTED BY A VOICE VOTE.

REPORTS OF OTHER STANDING COMMITTEES

Mr. Peter Moser, Chairman of the Committee on Local Government, offered Committee Recommendation No. LG-1.

A RECOMMENDATION that the Constitution include an Article on Local Government containing sections on Definitions, Establishment of Counties, Structure of County Government, Change of Structure of County Government, Powers of Counties, General

Application of Laws, Existing Municipal Corporations, New Municipal Corporations and Civil Units, Additional Powers of Municipal Corporations, Credit Limitations of Local Governments, Establishment of Multi-County Governmental Units, Financing of Intergovernmental Authorities; and, that the Article on General Provisions contain a section on Intergovernmental Cooperation and Agreements.

* * *

WHICH WAS READ AND REFERRED TO THE COMMITTEE OF THE WHOLE.

Committee Memorandum No. LG-1 was offered in support of Committee Recommendation No. LG-1.

Minority Report No. S&E-1(A)-- By Delegates Chabot, D. S. Murray, Schloeder of the Committee on Suffrage and Elections.

This Minority Report relates to Committee Recommendation No. S&E-1.

A MINORITY REPORT relating to referendum petition requirements.

The delegates joining in this report propose to amend Section 3 of Committee Recommendation No. S&E-1 by:

(a) striking, in line 3 of page 2, "votes cast" and inserting in lieu thereof "persons qualified to vote"; and

(b) striking, in line 7 of page 2, "sixty," and inserting in lieu thereof "ninety (90)".

* * *

Minority Report No. S&E-1(B)-- By Delegates Byrnes, Hutchinson, Rybczynski of the Committee on Suffrage and Elections.

This Minority Report relates to Committee Recommendation No. S&E-1.

A MINORITY REPORT concerning the Referendum.

Since 1915 the people of Maryland have been afforded the right of direct participation in government by the use of the Referendum. From 1915 until the present the people of Maryland have used the state-wide Referendum on only twelve occasions. Yet, the fact remains that the people have used the Referendum when they deemed it necessary. It has been, throughout the years, a worthwhile tool for those who desire the right to participate directly in their government.

It is our opinion that the suggested petition requirement of signatures equal to 5% of the total number of votes cast for Governor in the most recent gubernatorial election, unduly deters the people's right of referendum.

* * *

We sincerely recommend that the Convention reject the suggested 5% petition signature requirement, and instead retain the present 3% requirement.

* * *

Minority Report No. S&ElC-- By Delegates Byrnes, Hutchinson, D. S. Murray, Schloeder, White of the Committee on Suffrage and Elections.

This Minority Report relates to Committee Recommendation No. S&E-1.

A MINORITY REPORT providing for Indirect Initiative.

* * *

MOTIONS AND RESOLUTIONS

Resolution No. 19-- By Delegate Chabot

A RESOLUTION to extend the session of this Convention to January 12, 1968.

WHEREAS the enabling act for this Convention (L.1967, c.4, Sec. 10) provides that "the Convention by a vote of the majority of the whole number of delegates [may extend] the session of the Convention to a date not later than January 12, 1968"; and

WHEREAS it has been made abundantly clear that the work of this Convention probably cannot be completed by December 12, 1967, except by unreasonable limitations upon orderly and adequate consideration of the provisions of our proposed fundamental document; and

WHEREAS the extension proposed herein seems necessary for the Committee on Calendar and Agenda to plan for a Convention extending past December 12, 1967; and

WHEREAS if this Resolution is adopted the Convention can and should adjourn sine die before January 12, 1968, if its work is concluded before that date, now therefore be it

RESOLVED that the session of this Convention be extended to January 12, 1968.

WHICH WAS READ THE FIRST TIME AND REFERRED TO THE COMMITTEE ON CALENDAR AND AGENDA.

Mr. Powers, duly seconded, moved that the Convention resolve itself into the Committee of the Whole for consideration of the General Orders of the day subject to debate Schedule No. 1.

Debate Schedule No. 1

For Debate of Committee Recommendation No. LB-1

There will be no general debate, and after presentation of the Committee report, the Committee Recommendations will be open to debate and amendment section-by-section, no speech exceeding five (5) minutes.

Delegate Adkins, duly seconded, moved that the debate schedule No. 1 be amended to change the speech limit in uncontrolled time from 3 minutes to 5 minutes.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

The debate schedule as amended was approved.

The Powers motion to resolve the Convention into a Committee of the Whole was then passed at 12:45 P.M.

COMMITTEE OF THE WHOLE-GENERAL ORDERS OF THE DAY

Mr. Eney presided over the Committee of the Whole.

Mr. Gallagher, Chairman of the ~~Legislative Branch~~ Committee, reported Committee Recommendation No. LB-1.

A RECOMMENDATION that portions of Article III of the new Constitution dealing with the Legislative Branch provide for a bicameral legislature, single member districts in both the Senate and the House of Delegates, a limit on the Senate of 35 members lasting 90 days, a legislative term of four years, and other legislative matters, to read as follows:

Section 3.01. Legislative Power.

The legislative power of the State is vested in the General Assembly, which shall consist of two houses, the Senate and the House of Delegates.

Section 3.04. Composition of the Legislature.

The number of members of each house of the Legislature shall be as prescribed by law, but the number of delegates shall not exceed one hundred five and the number of senators shall be one-third the number of delegates. Each delegate shall represent one delegate district and each senator shall represent one senate district. Each senate district shall be composed of three whole delegate districts.

Section 3.05. Qualifications of Legislators.

To be eligible as a senator or delegate, a person shall be a qualified voter of the State of Maryland at the time of his election or appointment, shall have been a resident of the State for at least two years immediately preceding his election

or appointment, and shall have been a resident of his senate district for at least six months immediately preceding his election or appointment. If, however, any redistricting plan for senate districts has been adopted within one year before a general election for the General Assembly, he shall be eligible in that general election to run either in the senate district in which he resides or in any other senate district containing fifty percent or more of the population of the senate district in which he resided prior to redistricting. To be eligible as a senator, a person shall have attained the age of twenty-five years, and, to be eligible as a delegate, he shall have attained the age of twenty-one years, at the time of his election or appointment.

Section 3.06. Election of Legislators

A member of the General Assembly shall be elected by the qualified voters of the legislative district from which he seeks election, to serve for a term of four years beginning on the second Wednesday of December following his election.

Section 3.12. Legislative Sessions

The General Assembly may provide by law for an organization session prior to the convening of the regular session. The General Assembly shall convene in regular sessions on the third Wednesday of January of each year, unless otherwise prescribed by law, and may continue in session for a period not longer than ninety days; provided that by the affirmative vote of a majority of the members of each house a session may be extended for a period not longer than thirty days, and that by the affirmative vote of three-fifths of the members of each house a session may be extended a second time for a period not longer than thirty days. The governor may convene a special session of the General Assembly at any time and must convene a special session upon the written request of three-fifths of all the members of each house. The presiding officer of the House of Delegates and the presiding officer of the Senate, acting concurrently, may convene a special session of the General Assembly at any time.

Section 3.08. Compensation of Legislators

The members of the General Assembly shall receive such salary and allowances as may be prescribed by law. Increases in salary shall not apply to the General Assembly which enacted them. No senator or delegate shall be paid daily living expenses during regular sessions of the General Assembly.

Mr. Powers, duly seconded, moved that the Committee of the Whole rise and report to the Convention.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

At 1:29 P.M. the Convention resumed its session and the President reported to the Convention that the Committee of the Whole had under consideration Committee Recommendation No. LB-1.

At 1:30 P.M. on motion of Mr. Powers, the Convention took a recess until 2:30 P.M.

At 2:30 P.M. the Convention resumed its session. Present at roll call were the following Delegates:

President, Tawes, Clark J., James, Abramson, Adkins, Anderson, Armor, Bard, Barrick, Baumann, Beachley, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E. J., Cleveland, Dabrowski, Darby, Della, Dorsey, Dulany, Eckenrode, Finch, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Kiefer, Kirkland, Koger, Kosakowski, Koss, Litzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Moser, Mosner, Mudd, Murphy, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price, Raley, Ritter, Robey F. C., Robie K. L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A. W., Smith J. H., Smith M. H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H. E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total--130

On motion of Delegate Powers, duly seconded, the Convention resolved itself into the Committee of the Whole at 2:36 P.M. to consider further Committee Recommendation No. LB-1 under the debate schedule approved.

COMMITTEE OF THE WHOLE

Mr. Gallagher from the Legislative Branch Committee continued his report on Committee Recommendation No. LB-1.

Mr. Hanson from the Legislative Branch Committee reported Minority Report No. LB-1(A).

A MINORITY REPORT that Article III of the new Constitution provide for a unicameral legislature composed of 100 members elected from single member districts, to read as follows:

Section 3.01. Legislative Power

The legislative power of the State is vested in the General Assembly, which shall consist of one house.

Section 3.04. Composition of Legislature

The number of members of the General Assembly shall be as prescribed by law but shall not exceed one hundred. Each member shall represent one single member district.

Comment:

Maryland should have a one house legislature. Committee Report LB-1 does not justify adequately the retention of two houses.

A unicameral General Assembly composed of 100 members each representing a single district would have the following advantages:

1. Unicameralism would strengthen the legislative branch of State government. A single house permits more effective relations between the executive and the legislature. The legislative leadership will not be divided. The leaders themselves will not be jealous of each other. One of the most debilitating experiences of many state legislatures is jealousy between the two houses over various advantages that one may have but which may be denied the other. If this convention strengthens and unifies the executive and judicial branches, a stronger and more effective legislature is essential.

* * *

2. Unicameralism will enhance the prestige of the legislature and the influence and significance of each legislator.

* * *

3. Responsibility is clearly focused in one house, making legislators more responsive and accountable to the people.

* * *

4. A unicameral legislature will provide more careful consideration of legislation.

* * *

A great deal more can be achieved for the same cost in a unicameral body than in a bicameral body. For instance, it is going to be very important in Maryland to have strong legislative staffs for the review of executive programs. One highly qualified staff can be obtained at less cost than two inadequate staffs, and the effect on the quality of legislation will be greater.

When one analyzes all the arguments for bicameralism they boil down to two defenses:

1. Bicameralism is traditional.

* * *

2. Bicameralism is supposed to provide checks and balances. This cannot be denied. It is also not too defensible. Why should the legislature check itself? The governor has a veto. The courts may strike down unconstitutional acts. Strong government

demands checks and balances between the branches, not within each. Bicameralism permanently relegates the legislature to be the weakest branch of state government by dividing the direct representatives of the people against themselves.

* * *

Mr. Hanson offered the following amendment from the floor:
Amendment No. 1 (To Accompany Minority Report LBl(A) to Committee Recommendation No. LBl.

On page 1 of Committee Recommendation LBl strike all of Section 3.01. Legislative Power and insert in lieu thereof the following sections:

Section 3.01. Legislative Power

The legislative power of the State is vested in the General Assembly, which shall consist of one house.

The amendment was duly seconded.

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS
AS FOLLOWS:

Affirmative

Delegates--

Armor, Bennett, Boileau, Borom, Bothe, Bryson, Case, Claggett, Cleveland, Fornos, Freedlander, Gallagher, Gill, Groh, Grumbacher, Hanson, Hardwicke, Henderson, Jett, Koger, Koss, Lord, Macdonald, Marion, Mentzer, Mitchell, Moser, Mudd, Needle, Raley, Robey F. C., Sollins, Storm, Taylor H. E., Ulrich, Wagandt, White, Willoner, Winslow.
Total--39

Negative

Delegates--

President, Clark J., James, Abramson, Adkins, Anderson, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Blair, Boyce, Boyer, Bradshaw, Burdette, Burgess, Bushong, Buzzell, Byrnes, Caldwell, Cardin, Carson, Chabot, Child, Cicone, Clarke E. J., Dabrowski, Darby, Della, Dorsey, Dulany, Eckenrode, Finch, Fox, Gilchrist, Gleason, Grant, Hargrove, Harkness, Harris, Hickman, Hopkins, Hostetter, Hutchinson, Johnson, Kahl, Kiefer, Kirkland, Kosakowski, Litzel, Linton, Malkus, Mason, Maurer, Miller B., Morgan, Mosner, Murphy, Murray D. S., Murray E. C., Neilson, Neumann, Pascal, Peters, Powers, Price, Pullen, Robie K. L., Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A. W., Smith J. H., Smith M. H., Sosnowski, Soul, Stern, Sybert, Taylor, L., Webb, Weidemeyer, Wheatley, Willis.
Total--92

Not Voting

Delegates--

Tawes, Boyles, Dukes, Frederick, Gullett, Key, Miller E. T.,
Penniman, Ritter, Rollins, Vecera. Total--11

Delegate Powers, duly seconded, moved that the Committee
of the Whole rise and report to the Convention.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

The Convention resumed its session at 6:25 P.M.

Announcements

The President reported to the Convention that the Committee
of the Whole had under consideration Committee Recommendation
LB-1 and amendments.

At 6:28 o'clock P.M. on motion of Mr. Powers, duly seconded,
the Convention adjourned until Wednesday, November 8, 1967, at
10:00 A.M.

CONSTITUTIONAL CONVENTION OF MARYLAND

JOURNAL OF PROCEEDINGS

Annapolis, Maryland
Wednesday, Nov. 8, 1967

The Convention met at 10:00 A.M.

Invocation was offered by Rev. Vernon Dobson of the Union Baptist Church, Baltimore, Maryland.

Present at roll call were the following delegates:

President, Tawes, Clark, J., James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke, E.J., Cleveland, Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Malkus, Mariona, Mason, Maurer, Mentzer, Miller, B., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray, D.S., Murray, E.C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Robey, F.C., Robie, K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickels, Siewierski, Singer, Smith, A.W., Smith, J.H., Smith, M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor, H.E., Taylor, L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willoner, Winslow. Total - 139.

REPORT OF COMMITTEE ON CALENDAR AND AGENDA

Mr. Powers, Chairman of the Committee on Calendar and Agenda, reported the daily calendar and agenda.

WHICH WAS READ AND ADOPTED BY A VOICE VOTE.

REPORTS OF OTHER STANDING COMMITTEES

Committee Recommendation No. SF-2

Mr. Sherbow, Chairman of the Committee on State Finance and Taxation, offered Committee Recommendation No. SF-2

A RECOMMENDATION that the Constitution include a prohibition of governmental licensing or sponsorship of lotteries.

* * *

WHICH WAS READ AND REFERRED TO THE COMMITTEE OF THE WHOLE.

Committee Memorandum No. SF-2 was offered in support of Committee Recommendation No. SF-2.

At 10:15 A.M., Mr. Powers, duly seconded, moved that the Convention resolve itself into a Committee of the Whole to consider the General Orders of the Day.

SAID MOTION PREVAILED BY YEAS AND NAYS.

DEBATE SCHEDULE NO. 2

For Debate of Committee Recommendation No. S&E-1

There will be no general debate, and after presentation of the Committee report, the Committee Recommendations will be open to debate and amendment section-by-section, no speech exceeding five (5) minutes.

Note: Speeches alternate between sides whenever there is a total limit on a subject.

WHICH WAS READ AND ADOPTED.

COMMITTEE OF THE WHOLE GENERAL ORDERS OF THE DAY

Mr. Eney presided.

Consideration of Committee Recommendation No. LB-1

Mr. Gallagher, Chairman of the Committee on the Legislative Branch, reported on Committee Recommendation No. LB-1, introduced November 7, 1967.

Amendment No. 2 - By Delegate Gleason from the floor.

"On page 1 in §3.01, Legislative Power, line 16, strike out the words "House of Delegates" and insert in lieu thereof "House of Representatives"; and

On pages 1, 2 and 3 in §3.04, Composition of the Legislature, 3.05, Qualifications of Legislators, and 3.12, Legislative Sessions, in each place where the words "delegate", "delegates", or "Delegates" appear, strike out such words and insert in lieu thereof the words "representative", "representatives", or "Representatives", respectively.

The amendment was seconded by Delegate Gill.

WHICH AMENDMENT WAS READ AND REJECTED.

Delegate Clark yielded his allotted time under the debate schedule to Delegate James, who explained Minority Report No. LB-1(B):

A MINORITY REPORT that Section 3.04 of the new Constitution provide for a Senate of 40 members and a House of Delegates of 80 members, to read as follows:

The number of members of each house of the General Assembly shall be as prescribed by law, but the number of delegates shall not exceed eighty and the number of senators shall be one-half the number of delegates.

Comment:

The purpose of this minority report is to recommend a state legislature that is large enough to do the work but small enough to be clearly visible to the voters of Maryland. The signers of this report believe that 40 senators and 80 delegates is the ideal number for achieving these twin goals.

The largest state in the United States, California, governs its 18 million citizens very effectively with a 40-80 state legislature. In fact, California is praised nationally for having one of the most progressive and efficient state legislatures in the United States. Certainly Maryland could govern its 3 million citizens most effectively with a 40-80 legislature.

As for visibility, a 40-80 legislature would be small enough that all Marylanders could easily keep track of what is happening at the General Assembly. The smaller size would permit each individual legislator to play a larger role in the General Assembly, thereby increasing his importance both in his own eyes and in the eyes of his constituents.

* * *

A legislature with 40 senators and 80 delegates would be cheaper to operate. More importantly, it would make it less expensive to provide each legislator with adequate office space and competent staff assistance. The 40-80 proposal would also make it possible to pay each individual legislator a higher salary but at less total cost than what is now paid the present legislature of 43-142.

The literature of Political Science strongly stresses the point that it is better to have a small legislature made up of full-time professionals rather than a large legislature made up of part-time amateurs. The most important attribute of the 40-80 plan is that it would be an important first step toward creating a full-time, highly professionalized legislature for Maryland.

* * *

Amendment No. 3--By Delegates Clark, Hanson, Hopkins, Sollins,
' from the floor, to accompany Minority Report
LB-1 (B).

On pages 1 and 2 of Committee Recommendation No. LB-1 strike all of Section 3.04. COMPOSITION OF THE LEGISLATURE and insert in lieu thereof the following section:

Section 3.04. Composition of the Legislature

The number of members of each house of the Legislature shall be as prescribed by law, but the number of delegates shall not exceed eighty and the number of senators shall be one half the number of delegates.

The amendment was seconded.

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS
FOLLOWS:

Affirmative

Delegates

Clark J., James, Bamberger, Bard, Bennett, Boileau, Boyce, Boyles,
Bryson, Cardin, Cicone, Clagett, Cleveland, Dukes, Finch, Fornos,
Fox, Freedlander, Gallagher, Grumbacher, Gullett, Hanson, Hardwicke,
Harris, Henderson, Hopkins, Jett, Koss, Lord, Macdonald, Marion,
Mentzer, Miller B., Mitchell, Morgan, Needle, Penniman, Scanlan,
Schloeder, Singer, Sollins, Sybert, White, Willoner, Winslow.

Total--45

Negative

Delegates--

President, Abramson, Adkins, Anderson, Armor, Barrick, Baumann,
Blair, Borom, Boyer, Bradshaw, Burdette, Burgess, Bushong, Buzzell,
Byrnes, Caldwell, Carson, Case, Chabot, Child, Clarke E.J., Dabrowski,
Darby, Della, Dorsey, Dulany, Eckenrode, Frederick, Gilchrist,
Gill, Gleason, Grant, Groh, Hargrove, Harkness, Hickman, Hostetter,
Hutchinson, Johnson, Kahl, Key, Kirkland, Kosakowski, Leitzel,
Linton, Malkus, Mason, Maurer, Moser, Mosner, Mudd, Murphy, Murray D.S.,
Murray E.C., Neilson, Neumann, Pascal, Peters, Powers, Price,
Pullen, Raley, Robie K.L., Rollins, Rosenstock, Rush, Rybczynski,
Schneider, Sherbow, Sickles, Siewierski, Smith A.W., Smith J.H.,
Smith M.H., Sosnowski, Soul, Ulrich, Vecera, Wagandt, Webb,
Weidemeyer, Wheatley.

Total--83

Not Voting

Delegates--

Tawes, Beachley, Beall, Bothe, Kiefer, Koger, Miller E.T., Ritter,
Robey F.C., Stern, Storm, Taylor H.E., Taylor L., Willis.

Total--14

Delegate Powers moved that the Committee of the Whole rise
and report to the Convention that it has under consideration Com-
mittee Recommendation No. LB-1.

SAID MOTION PREVAILED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Tawes, James, Abramson, Adkins, Armor, Bamberger, Bard, Barrick,
Baumann, Beachley, Beall, Bennett, Blair, Boileau, Boyer, Burgess,
Bushong, Buzzell, Byrnes, Caldwell, Cardin, Case, Chabot, Child,
Cicone, Clagett, Cleveland, Dabrowski, Darby, Della, Dulany, Eckenrode,
Finch, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Hanson,
Hardwicke, Harkness, Harris, Hickman, Hostetter, Johnson, Kahl,
Key, Kiefer, Kirkland, Kosakowski, Koss, Leitzel, Linton, Lord,
Marion, Mitchell, Morgan, Mosner, Mudd, Murray E.C., Needle,
Neilson, Peters, Raley, Robie K.L., Schloeder, Sickles, Smith A.W.,
Smith J.H., Smith M.H., Sollins, Vecera, Webb, Weidemeyer, Wheatley.

Total--76

Negative

Delegates--

Clark J., Anderson, Borom, Bothe, Boyce, Bryson, Burdette, Dorsey, Fornos, Freedlander, Gullett, Hargrove, Henderson, Hopkins, Hutchinson, Jett, Maurer, Mentzer, Murray D.S., Powers, Price, Rosenstock, Rush, Rybczynski, Scanlan, Schneider, Sherbow, Siewierski, Singer, Sosnowski, Soul, Sybert, Taylor L., Ulrich, Wagandt, White, Willoner, Winslow. Total--38

Not Voting

Delegates--

President, Boyles, Bradshaw, Carson, Clarke E.J., Dukes, Fox, Frederick, Grumbacher, Koger, Macdonald, Malkus, Mason, Miller B., Miller E.T., Moser, Murphy, Neumann, Pascal, Penniman, Pullen, Ritter, Robey F.C., Rollins, Stern, Storm, Taylor H.E., Willis. Total--28

At 12:05 o'clock P.M., the Convention resumed its session.

The President reported that the Committee of the Whole had under consideration Committee Recommendation No. LB-1.

At 12:07 o'clock P.M., on motion of Mr. Powers, the Convention took a recess until 1:30 o'clock P.M.

At 1:30 P.M. the Convention resumed its session.

Present at roll call were the following delegates:

President, Tawes, James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyer, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Cleveland, Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Kosakowski, Koss, Litzel, Linton, Lord, Macdonald, Malkus, Marion, Maurer, Mentzer, Miller B., Mitchell, Morgan, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Ritter, Robie E.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Siewierski, Singer, Smith A.W., Smith J.W., Smith M.W., Sollins, Sosnowski, Soul, Sybert, Taylor H.E., Taylor L. Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow. Total--130

On motion of Mr. Powers, duly seconded, the Convention resolved itself into a Committee of the Whole to consider the General Orders of the Day.

COMMITTEE OF THE WHOLE-GENERAL ORDERS OF THE DAY

Consideration of Committee Recommendation No. LB-1 resumed.

Mr. Gleason from the Committee on the Legislative Branch, reported on Minority Report No. LB-1 (D).

A MINORITY REPORT that Section 3.04 of the new Constitution permit the General Assembly to set its own size, to read as follows:

The number of members of each house of the General Assembly shall be as prescribed by law.

Comment:

In its final report, the Constitutional Convention Commission noted that the optimum size of a house of elected representatives reflects a delicate balance between many factors. Among these factors are the size of the population represented, the divergent interests within the electorate, the proper number for effective debate, and protecting the desire of smaller counties to have at least one delegate representing them in the legislature. The Commission report wisely noted that these factors change over periods of time and, as a result, it is very unwise to set the size of the legislature in anything as static and difficult to change as a state constitution.

The Commission's recommendation to let the legislature set its own size was strongly supported in the recent study of the General Assembly carried out by the Eagleton Institute of Politics at Rutgers University in New Brunswick, New Jersey.

* * *

Another reason for leaving legislative size to the legislature itself is that it permits maximum flexibility for adjusting to future Supreme Court decisions in the area of reapportionment and re-districting.

* * *

Legislative determination of legislative size also has the beneficial effect of removing the politically controversial problem of "at least one delegate per county" from the new Constitution and, more importantly, from the referendum vote on the new Constitution. As Majority Recommendation LB-1 so wisely states, the most difficult problem faced by the Committee on the Legislative Branch was how to limit the size of the legislature but still preserve "at least one delegate per county." By adopting legislative size, the Convention can remove this difficult problem from the referendum on the new Constitution and place the question squarely where it belongs - in the legislature itself.

Amendment No. 4 (To Accompany Minority Report LB-1 (D))--By
Delegates Gleason, Linton, Della, Peters from the floor and was
duly seconded.

On pages 1 and 2 of Committee Recommendation No. LB-1, line
23, after the word "law" strike out the comma and the remainder
of the sentence on line 24 and on page 2, lines 1 and 2, and insert
in lieu thereof a period.

Delegate Gleason, duly seconded, moved that the Committee
of the Whole rise so that the control time under Debate Schedule
No. 1 could be amended.

SAID MOTION PREVAILED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Tawes, Abramson, Adkins, Anderson, Bamberger, Baumann, Blair,
Boyer, Burdette, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case,
Chabot, Child, Clagett, Clarke, E.J., Dabrowski, Darby, Della,
Dorsey, Eckenrode, Finch, Fornos, Fox, Frederick, Gleason, Grant,
Groh, Gullett, Hanson, Harkness, Hickman, Hostetter, Hutchinson,
Johnson, Kahl, Kirkland, Kosakowski, Linton, Lord, Malkus, Marion,
Mason, Maurer, Murphy, Murray, E.C., Neilson, Neumann, Pascal,
Peters, Price, Pullen, Raley, Ritter, Robey, F.C., Rollins, Rush,
Rybczynski, Scanlan, Schloeder, Sickles, Singer, Smith, A. W.,
Smith, J. H., Sollins, Sosnowski, Soul, Sybert, Vecera, Webb,
Wheatley, White. Total--75

Negative

Delegates--

President, Clark, J., James, Armor, Bard, Barrick, Beachley, Beall,
Bennett, Boileau, Borom, Bothe, Boyce, Bradshaw, Bryson, Cicone,
Cleveland, Dukes, Dulany, Freedlander, Gallagher, Gilchrist, Gill,
Grumbacher, Hardwicke, Hargrove, Harris, Henderson, Hopkins, Jett,
Kiefer, Koger, Leitzel, Macdonald, Mentzer, Miller, B., Mitchell,
Morgan, Moser, Mosner, Mudd, Murray, D.S., Needle, Penniman, Powers,
Robie, K.L., Rosenstock, Schneider, Sherbow, Siewierski, Smith, M.H.,
Stern, Taylor, H.E., Taylor, L., Ulrich, Wagandt, Weidemeyer, Willis,
Willoner, Winslow. Total--60

Not Voting

Delegates--

Boyles, Burgess, Bushong, Key, Koss, Miller, E. T., Storm.
Total--7.

The Convention resumed its regular session at 3:30 o'clock
P.M.

Delegate Gleason, duly seconded, moved that the control time
be extended four minutes under Debate Schedule No. 1.

SAID MOTION PREVAILED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Tawes, Clark, J., James, Abramson, Adkins, Anderson, Bamberger, Bard, Baumann, Beall, Blair, Bothe, Boyer, Burdette, Burgess, Bushong, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke, E.J., Dabrowski, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Frederick, Gilchrist, Gleason, Grant, Groh, Gullett, Hanson, Harkness, Hickman, Hostetter, Hutchinson, Jett, Johnson, Kahl, Kirkland, Kosakowski, Leitzel, Linton, Lord, Marion, Mason, Maurer, Miller, B., Mitchell, Morgan, Mosner, Mudd, Murphy, Murray, E.C., Neilson, Neumann, Pascal, Peters, Price, Rullen, Raley, Ritter, Robey, F.C., Rollins, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith, A.W., Smith, J.H., Smith, M.H., Sollins, Sosnowski, Soul, Sybert, Vecera, Webb, Weidemeyer, Wheatley, White.
Total--95

Negative

Delegates--

President, Barrick, Beachley, Bennett, Borom, Boyce, Bradshaw, Bryson, Cleveland, Fox, Freedlander, Gallagher, Gill, Grumbacher, Hargrove, Harris, Henderson, Hopkins, Koger, Mentzer, Murray, D.S., Needle, Penniman, Powers, Robie, K.L., Rosenstock, Stern, Taylor, H.E., Taylor, L., Ulrich, Wagandt, Willis, Willoner, Winslow.
Total--34

Not Voting

Delegates--

Armor, Boileau, Boyles, Darby, Hardwicke, Key, Kiefer, Koss, Macdonald, Malkus, Miller, E.T., Moser, Storm.
Total--13

At 3:32 o'clock P.M., on motion of Delegate Powers, the Convention resolved itself into a Committee of the Whole.

MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

COMMITTEE OF THE WHOLE

Consideration resumed on Amendment No. 4 to Committee Recommendation No. LB-1.

Amendment No. 4 to accompany Minority Report No. LB-1 (D) to Committee Recommendation No. LB-1.

SAID MOTION WAS REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Tawes, Abramson, Adkins, Anderson, Bard, Baumann, Beachley, Beall, Blair, Boyer, Burgess, Bushong, Buzzell, Caldwell, Child, Clarke, E.J.,

Affirmative (con't)

Cleveland, Dabrowski, Darby, Della, Dorsey, Eckenrode, Frederick, Gleason, Grant, Groh, Harkness, Hickman, Hostetter, Hutchinson, Johnson, Kahl, Linton, Malkus, Mosner, Murphy, Peters, Rollins, Rush, Rybczynski, Smith, M.H., Sosnowski, Soul, Vecera, Weidemeyer, Wheatley.

Total--46

Negative

Delegates--

President, Clark, J., James, Armor, Bamberger, Barrick, Bennett, Boileau, Borom, Bothe, Boyce, Bradshaw, Bryson, Burdette, Byrnes, Cardin, Carson, Case, Chabot, Cicone, Clagett, Dukes, Dulany, Finch, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Gill, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harris, Henderson, Hopkins, Jett, Key, Kiefer, Koger, Kosakowski, Koss, Leitzel, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller, B., Mitchell, Morgan, Moser, Mudd, Murray, D.S., Murray, E.C., Needle, Neilson, Neumann, Pascal, Penniman, Powers, Price, Pullen, Raley, Ritter, Robey, F.C., Robie, K.L., Rosenstock, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith, A.W., Smith, J.H., Sollins, Stern, Sybert, Taylor, H.E., Taylor, L., Ulrich, Wagandt, Webb, White, Willis, Willoner, Winslow.

Total--92

Not Voting

Delegates--

Boyles, Kirkland, Miller, E.T., Storm.

Total--4

Mr. Gilchrist from the Committee on the Legislative Branch reported on Minority Report No. LB-1 (C).

A MINORITY REPORT that Section 3.04 of the new Constitution provide for a General Assembly with a total membership of 180 in the Senate and House of Delegates, to read as follows:

Section 3.04 - Composition of the General Assembly

The General Assembly shall prescribe by law the number of members of each house of the General Assembly, but the total membership of both houses shall not exceed one hundred and eighty. The General Assembly shall prescribe by law the ratio of the number of members of the House of Delegates to the number of members of the Senate, but the ratio shall not be greater than four to one. The state shall be divided by law into districts for the election of senators. Senatorial districts shall consist of not more than four whole delegate districts or a multi-member delegate district represented by not more than four delegates.

Comment:

The Committee on the Legislative Branch, after having had the benefit of hearing much testimony, doing much research and engaging in sharp debate, has produced a recommendation for Section 3.04,

relating to the composition of the Legislature which, as a whole, is entirely satisfactory to almost no one on the Committee.
* * *

This minority believes that the approach contained in its proposal presents a compromise more acceptable to various points of view in the Convention than that of the Committee proposal. It believes the advantages to be:

1) It affords the possibility of better representation of communities of interest, and at the same time limits size to prevent excessive unwieldiness.

2) It provides greater adaptability to changing populations and area characteristics.

3) It permits greater flexibility in reapportionment and better possibilities of preserving traditional boundaries and representation.

4) It gives much greater flexibility in delegate representation, yet reduces voter confusion from long ballots.

5) It allows a choice of single or multi-member districts, the slot system or cumulative voting.

6) It offers an alternative far more palatable to many voters of this state than the majority recommendations.

Amendment No. 5 (To Accompany Minority Report No. LB-1 (C))--
By Delegates Gilchrist, Bushong, Anderson, Linton, Gleason, Della from the floor and was duly seconded.

On pages 1 and 2 of Committee Recommendation No. LB-1 strike all of Section 3.04. Composition of the Legislature and insert in lieu thereof the following section:

Section 3.04. Composition of the Legislature

The General Assembly shall prescribe by law the number of members of each house of the General Assembly, but the total membership of both houses shall not exceed one hundred and eighty. The General Assembly shall prescribe by law the ratio of the number of members of the House of Delegates to the number of members of the Senate, but the ratio shall not be greater than four to one. The state shall be divided by law into districts for the election of senators...

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Tawes, Abramson, Adkins, Anderson, Baumann, Beachley, Beall, Blair, Boyer, Burdette, Burgess, Buzzell, Caldwell, Case, Child, Clarke, E.J., Cleveland, Dabrowski, Darby, Della, Dorsey, Eckenrode, Frederick, Gilchrist, Gleason, Grant, Groh, Harkness, Hickman, Hostetter, Hutchinson, Johnson, Kahl, Kiefer, Kirkland, Linton, Malkus, Mosner, Mudd, Murphy, Peters, Pullen, Raley, Ritter, Rollins, Rosenstock, Rush, Rybczynski, Siewierski, Smith, J.H., Smith, M.H., Sosnowski, Soul, Sybert, Vecera, Webb, Weidemeyer, Wheatley.

Total--58

Negative

Delegates--

President, Clark, J., James, Armor, Bamberger, Bard, Barrick, Bennett, Boileau, Borom, Bothe, Boyce, Bradshaw, Bryson, Bushong, Byrnes, Cardin, Carson, Chabot, Cicone, Clagett, Dulany, Finch, Fornos, Fox, Freedlander, Gallagher, Gill, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harris, Henderson, Hopkins, Jett, Key, Koger, Kosakowski, Koss, Leitzel, Lord, Marion, Mason, Maurer, Mentzer, Miller, B., Mitchell, Morgan, Moser, Murray, D.S., Murray, E.C., Needle, Neilson, Pascal, Penniman, Powers, Price, Robey, F.C., Robie, K.L., Scanlan, Schloeder, Schnieder, Sherbow, Sickles, Singer, Smith, A.W., Sollins, Stern, Taylor, H.E., Taylor, L., Ulrich, Wagandt, White, Willis, Willoner, Winslow.

Total--78

Not Voting

Delegates--

Boyles, Dukes, Macdonald, Miller, E.T., Neumann, Storm.

Total--6

Amendment No. 6 To Committee Recommendation No. LB-1--By Delegate Kirkland from the floor and was duly seconded.

On page 1, line 24 of Committee Recommendation No. LB-1, strike out the words "one hundred five" and insert in lieu thereof the words "one hundred forty-two";

On page 2, lines 1 and 2, strike out the words "be one-third the number of delegates" and insert in lieu thereof the words "not exceed forty-three"; and

On page 2 line 4, strike out the words "Each senate" and strike out all of line 5 and 6.

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Tawes, Abramson, Adkins, Anderson, Baumann, Beachley, Beall, Blair, Boyer, Burgess, Bushong, Buzzell, Caldwell, Cardin, Case, Child, Clarke, E.J., Cleveland, Dabrowski, Darby, Dorsey, Eckenrode, Frederick, Gilchrist, Gleason, Grant, Groh, Harkness, Hickman, Hostetter, Hutchinson, Johnson, Kahl, Kiefer, Kirkland, Linton, Malkus, Mosner, Murphy, Murray E.C., Peters, Price, Pullen, Raley, Ritter, Rollins, Rosenstock, Rush, Rybczynski, Smith, M.H., Sosnowski, Soul, Storm, Sybert, Vecera, Webb, Weidemeyer, Wheatley.

Total - 58

Negative

Delegates--

President, Clark, J., James, Armor, Bamberger, Bard, Barrick, Bennett, Boileau, Borom, Bothe, Boyce, Bradshaw, Bryson, Burdette, Byrnes, Carson, Chabot, Cicone, Clagett, Dulany, Fornos, Fox, Freedlander, Gallagher, Gill, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harris, Henderson, Hopkins, Jett, Key, Koger, Kosakowski, Koss, Litzel, Lord, Marion, Mason, Maurer, Mentzer, Miller, B., Mitchell, Morgan, Moser, Mudd, Murray, D.S., Needle, Neilson, Neumann, Pascal, Penniman, Powers, Robey, F.C., Robie, K.L., Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith, A.W., Smith, J.H., Sollins, Stern, Taylor, H.E., Taylor, L. Ulrich, Wagandt, White, Willis, Willoner, Winslow.

Total - 78

Not Voting

Delegates--

Boyles, Della, Dukes, Finch, Macdonald, Miller, E.T., Total - 6

Amendment No. 7 To Committee Recommendation No. LB-1 -- By Delegate Chabot from the floor and was seconded.

On page 1, in Section 3.04 Composition of the Legislature line 24, strike out the words "one hundred five" and insert in lieu thereof the words "one hundred twenty-three."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Tawes, Abramson, Adkins, Anderson, Baumann, Beachley, Beall, Blair, Boyer, Burdette, Burgess, Buzzell, Caldwell, Cardin, Carson, Case, Chabot, Child, Clark, E.J., Cleveland, Dabrowski, Darby, Dorsey, Eckenrode, Frederick, Gilchrist, Gleason, Grant, Groh, Harkness, Hickman, Hostetter, Hutchinson, Johnson, Kahl, Kiefer, Kirkland, Kosakowski, Litzel, Linton, Mosner, Murphy, Murray, E.C., Neumann, Peters, Pullen, Raley, Ritter, Rollins,

Rosenstock, Rush, Rybczynski, Schneider, Siewierski, Smith J.H.,
Smith M.H., Sosnowski, Soul, Storm, Sybert, Vecera, Webb,
Weidemeyer, Wheatley, Willis. Total--65

Negative

Delegates--

President, Clark J., James, Armor, Bamberger, Bard, Barrick,
Bennett, Boileau, Borom, Bothe, Boyce, Bradshaw, Bryson, Bushong,
Byrnes, Clagett, Dulany, Fornos, Fox, Freedlander, Gallagher,
Gill, Grumbacher, Gullett, Hanson, Hargrove, Harris, Henderson,
Hopkins, Jett, Key, Koger, Koss, Lord, Marion, Mason, Maurer,
Mentzer, Miller B., Mitchell, Morgan, Moser, Mudd, Murray D.S.,
Needle, Neilson, Pascal, Penniman, Powers, Price, Robey F.C.,
Robie K.L., Scanlan, Schloeder, Sherbow, Sickles, Singer, Smith
A.W., Sollins, Stern, Taylor H.E., Taylor L., Ulrich, Wagandt,
White, Willoner, Winslow. Total--68

Not Voting

Delegates--

Boyles, Cicone, Della, Dukes, Finch, Hardwicke, Macdonald, Malkus,
Miller E. T. Total--9

Delegate Powers, duly seconded, moved that the Committee
of the Whole rise and report to the Convention that it is still
considering Committee Recommendation No. LB-1.

SAID MOTION PREVAILED BY YEAS AND NAYS, VOICE VOTE.

At 6:10 P.M., the Convention resumed its regular session.

The President reported to the Convention that the Committee
of the Whole had under consideration Committee Recommendation
No. LB-1.

At 6:13 P.M., on motion of Mr. Powers, duly seconded, the
Convention adjourned until Thursday, November 9, 1967, at 10:00 A.M.

CONSTITUTIONAL CONVENTION OF MARYLAND
JOURNAL OF PROCEEDINGS

Annapolis, Md., Thursday, Nov. 9, 1967.

The Convention met at 10:00 o'clock A. M.

Invocation was offered by Rev. John Mason, St Paul Episcopal Church, Waldorf, Maryland.

Present at the roll call were the following delegates:

President, Tawes, Clark J., James, Abramson, Adkins,
Anderson, Armor, Bamberger, Bard, Barrick, Baumann,
Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce,
Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Bushong,
Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child,
Clagett, Clarke E. J., Cleveland, Dabrowski, Darby, Della, Dorsey,
Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander,
Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher,
Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson,
Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key,
Kiefer, Kirkland, Koger, Kosakowski, Koss, Litzel, Linton, Lord,
Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Miller B.,
Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D. S.,
Murray E. C., Needle, Neilson, Neumann, Pascal, Penniman, Peters,
Powers, Price, Pullen, Raley, Ritter, Robey, F. C., Robie K. L.,
Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider,
Sherbow, Sickles, Siewierski, Singer, Smith A. W., Smith J. H.,
Smith M. H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor
H. E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley,
White, Willis, Willoner, Winslow.

Total -- 139

REPORT OF COMMITTEE ON CALENDAR AND AGENDA

Mr. Powers, Chairman of the Committee on Calendar and Agenda, reported the daily calendar and agenda.

WHICH WAS READ AND ADOPTED BY VOICE VOTE.

REPORTS OF OTHER STANDING COMMITTEES

Mr. Boyer, Chairman of the Committee on General Provisions, offered Committee Recommendation No. GP-4.

* * *

WHICH WAS READ AND REFERRED TO THE COMMITTEE OF THE WHOLE.

Committee Memorandum No. GP-4 was offered in support of Committee Recommendation No. GP-4.

* * *

Mr. Gerald Morgan, Chairman of the Committee on the Executive Branch, offered Committee Report No. EB-1.

* * *

The Committee recommends the Board of Public Works, the office of Comptroller, the office of Treasurer, the office of Attorney General, Secretary of State, Coroners, Elisors and Notaries Public, Surveyors, State Librarian not be provided for in the Constitution.

READ AND REFERRED TO THE COMMITTEE ON CALENDAR AND AGENDA.

INTRODUCTION AND FIRST READING AND REFERENCE OF PROPOSALS

Delegate Proposal No. 445 -- By Delegate Fornos.

A PROPOSAL that no statute, regulation by state agency, nor ordinance by municipality or political subdivision of the State shall be valid if it restrains or hampers the freedom of normal commercial or contractual activities between those engaged in intrastate trading in legal commodities: unless the prohibitions or mandates contained therein, directly protect the health, safety or welfare of the citizenry of the State.

Memorandum in support of Delegate Proposal No. 445 was offered.

WHICH WAS READ THE FIRST TIME AND REFERRED TO THE COMMITTEE ON LOCAL GOVERNMENT.

At 10:13 o'clock A. M., Delegate Powers moved, duly seconded, that the Convention resolve itself into the Committee of the Whole to consider:

- (a) Committee Recommendation No. LB-1 under debate schedule No. 1.
- (b) Committee Recommendation No. S&E-1 under debate schedule No. 2.
- (c) Committee Recommendation No. GP-3 (Natural Resources)

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

COMMITTEE OF THE WHOLE -- GENERAL ORDERS OF THE DAY

President Eney presided.

Consideration of Committee Recommendation No. LB-1.

Amendment No. 8 -- By Delegates Sherbow, James, Sybert, Clarke from the floor. Amendment No. 8 was duly seconded.

On page 1 in Section 3.04 Composition of the Legislature line 24, strike out the words "one hundred five" and insert in lieu thereof the words "one hundred twenty".

Delegate Bamberger, duly seconded, offered the following amendment to Amendment No. 8.

Amendment No. 1 to Amendment No. 8 -- By Delegates Bamberger, Hanson, Sollins from the floor. The amendment to the amendment was duly seconded.

In line 4 of Amendment No. 8, strike out the words "one hundred twenty" and insert in lieu thereof the words "one hundred eight".

WHICH AMENDMENT TO THE AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

President, Clark J., Bamberger, Bard, Bennett, Boileau, Borom, Bothe, Boyce, Bradshaw, Bryson, Byrnes, Chabot, Clagett, Fornos, Freedlander, Gallagher, Gill, Grumbacher, Gullett, Hanson, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Jett, Key, Koss, Lord, Marion, Maurer, Mentzer, Miller B., Mitchell, Moser, Mudd, Murray D. S., Needle, Neilson, Powers, Robey F. C., Scanlan, Schloeder, Schneider, Singer, Smith A. W., Sollins, Stern, Taylor H. E., Taylor L., Ulrich, Wagandt, White, Willoner, Winslow.

Total -- 57

Negative

Delegates --

Tawes, James, Abramson, Adkins, Anderson, Armor, Barrick, Baumann, Beachley, Beall, Blair, Boyer, Burdette, Bushong, Buzzell, Caldwell, Cardin, Carson, *Child, Clarke E. J., Cleveland, Dabrowski, Darby, Dorsey, Dulany, Eckenrode, Finch, Frederick, Gilchrist, Grant, Groh, Hostetter, Hutchinson, Johnson, Kahl, Kiefer, Kirkland, Kosakowski, Leitzel, Linton, Malkus, Mason, Morgan, Mosner, Murphy, Murray E. C., Neumann, Pascal, Penniman, Peters, Price, Pullen, Raley, Ritter, Robie K. L., Rollins, Rosenstock, Rush, Rybczynski, Sherbow, Siewierski, Smith J. H., Smith M. H., Sosnowski, Soul, Storm, Sybert, Vecera, Webb, Weidemeyer, Wheatley, Willis.

* Case

Total -- 73

Not Voting

Delegates --

Boyles, Burgess, Cicone, Della, Dukes, Fox, Gleason, Hardwicke, Koger, Macdonald, Miller E. T., Sickles.

Total -- 12

Amendment No. 8 --

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS
FOLLOWS:

Affirmative

Delegates --

President, Tawes, Clark J., James, Abramson, Adkins, Anderson,
Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Blair,
Boyer, Burdette, Bushong, Buzzell, Byrnes, Caldwell, Cardin,*Child,
Clagett, Clarke E. J., Cleveland, Dabrowski, Darby, Dorsey, Dulany,
Eckenrode, Finch, Fornos, Frederick, Gallagher, Gilchrist, Grant,
Groh, Grumbacher, Gullett, Harkness, Hickman, Hopkins, Postetter,
Hutchinson, Johnson, Kahl, Kiefer, Kirkland, Kosakowski, Koss,
Leitzel, Linton, Malkus, Mason, Morgan, Moser, Mosner, Mudd, Murphy,
Murray E. C., Neilson, Neumann, Pascal, Penniman, Peters, Powers,
Price, Pullen, Raley, Ritter, Robey, F. C., Robie K. L., Rollins,
Rosenstock, Rush, Rybczynski, Sherbow, Siewierski, Singer, Smith
J. H., Smith M. H., Sosnowski, Soul, Stern, Storm, Sybert, Vecera,
Webb, Weidemeyer, Wheatley, Willis.

*Carson, Case,

Total -- 94

Negative

Delegates --

Bennett, Boileau, Borom, Bothe, Boyce, Bradshaw, Bryson, Chabot,
Freedlander, Gill, Hanson, Hargrove, Harris, Henderson, Jett,
Key, Lord, Marion, Maurer, Mentzer, Miller B., Mitchell, Murray
D. S.,*Scanlan, Schloeder, Schneider, Smith A. W., Sollins,
Taylor H. E., Taylor L., Ulrich, Wagandt, White, Willoner, Winslow.

*Needle,

Total -- 36

Not Voting

Delegates --

Boyles, Burgess, Cicone, Della, Dukes, Fox, Gleason, Hardwicke,
Koger, Macdonald, Miller E. T., Sickles.

Total - 12

Amendment No. 9 -- By Delegate Sherbow from the floor. Amendment
No. 9 was duly seconded.

On pages 1 and 2 of Committee Recommendation No. LB-1 strike
all of Section 3.04. Composition of the Legislature, and insert
in lieu thereof the following section:

Section 3.04. Composition of the Legislature.

The number of members of each house of the Legislature shall
be as prescribed by law, but the number of votes in the House of
Delegates shall not exceed one hundred twenty and the number of
members of the Senate shall not exceed one third thereof.

* * *

Amendment No. 1 to Amendment No. 9 -- By Delegate James Clark from the floor. Amendment No. 1 to Amendment No. 9 was duly seconded.

On pages 1 and 2 of Committee Recommendation No. LB-1, strike all of Section 3.04., Composition of the Legislature, and insert in lieu thereof the following section:

Section 3.04., Composition of the Legislature.

The number of members of each house of the Legislature shall be as prescribed by law, but the number of votes in the House of Delegates shall not exceed one hundred five and the number of members of the Senate shall not exceed thirty-five. Each delegate shall represent one delegate district and each senator shall represent one senate district.

Each senator shall have one vote in the Senate. Each delegate shall have one vote in the House of Delegates, except delegates from those counties which are so insufficient in population that they are not entitled to elect at least one delegate completely from within the boundaries of the county. In only these insufficient population counties, one delegate shall be elected from the entire county casting a percentage vote weighted in accordance with the population of the county. If any county entitled to more than one delegate is completely surrounded by counties so insufficient in population that all their delegates cast a percentage vote, that county shall be entitled to its full number of delegates with one vote plus one delegate casting a percentage vote.

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

Clark J., Bamberger, Bennett, Boileau, Borom, Bothe, Boyce, Bryson, Chabot, Cleveland, Fornos, Freedlander, Gallagher, Gill, Grant, Hanson, Harkness, Harris, Henderson, Hopkins, Jett, Key, Linton, Lord, Macdonald, Mason, Maurer, Mentzer, Miller B., Mitchell, Mudd, Murray D. S., Murray E. C., Pascal, Scanlan, Schloeder, Schneider, Singer, Smith A. W., Sollins, Taylor H. E., Taylor L., Ulrich, Wagandt, White, Winslow.

Total -- 46

Negative

Delegates --

President, Tawes, James, Abramson, Adkins, Anderson, Armor, Bard, Barrick, Baumann, Beachley, Beall, Blair, Boyer, Bradshaw, Burdette, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Child, Clagett, Clarke E. J., Dabrowski, Darby, Dorsey, Dulany, Eckenrode, Finch, Frederick, Gilchrist, Hargrove, Hickman, Hostetter, Hutchinson, Johnson, Kahl, Kiefer, Kirkland, Kosakowski, Leitzel, Malkus, Marion, Morgan, Moser, Mosner, Needle, Neilson, Neumann, Penniman, Peters, Powers, Price, Pullen, Raley, Ritter, Robey F. C., Robie K. L., Rollins,

Rosenstock, Rush,* Sherbow, Siewierski, Smith J. H., Smith M. H.,
Sosnowski, Soul, Stern, Sybert, Vecera, Webb, Weidemeyer, Wheatley,
Willis.

*Rybczynski

Total -- 77

Not Voting

Delegates --

Boyles, Burgess, Bushong, Cicone, Della, Dukes, Fox, Gleason,
Groh, Grumbacher, Gullett, Hardwicke, Koger, Koss, Miller E. T.,
Murphy, Sickles, Storm, Willoner.

Total -- 19

Mr. Powers moved, duly seconded, that the Committee of the
Whole rise and report to the Convention.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

The Convention returned to its regular session at 12:34 o'clock
P. M.

The President reported to the Convention that the Committee
of the Whole was still considering Committee Recommendation No.
LB-1.

At 12:37 o'clock P. M. on motion of Mr. Powers, duly seconded,
the Convention took a recess until 2:00 o'clock P. M.

At 2:00 o'clock P. M. the Convention resumed its session.
Present at the roll call were the following delegates:

President, Tawes, Clark J., James, Abramson, Adkins, Anderson,
Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Bennett, Blair,
Borom, Boyce, Boyer, Bradshaw, Bryson, Burdette, Burgess, Buzzell,
Caldwell, Cardin, Carson, Case, Chabot, Child, Clagett, Clarke E. J.,
Cleveland, Dabrowski, Darby, Della, Eckenrode, Finch, Fornos, Fox,
Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Hanson,
Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins,
Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland,
Koger, Kosakowski, Koss, Litzel, Linton, Lord, Macdonald, Malkus,
Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser,
Mosner, Mudd, Murphy, Murray D. S., Murray E. C., Needle, Neilson,
Neumann, Pascal, Penniman, Peters, Powers, Price, Pullen, Raley,
Ritter, Robie K. L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan,
Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith
A. W., Smith J. H., Smith M. H., Sollins, Sosnowski, Soul, Stern,
Storm, Taylor H. E., Taylor L., Ulrich, Vecera, Wagandt, Webb,
Weidemeyer, Wheatley, White, Willis, Winslow.

Total -- 124

REPORTS OF OTHER STANDING COMMITTEES

Mr. Sherbow, Chairman of the Committee on State Finance and Taxation, offered Committee Recommendation No. SF-3.

A RECOMMENDATION that the Constitution include provisions with respect to taxes, assessments, and exemptions.

* * *

WHICH WAS READ AND REFERRED TO THE COMMITTEE OF THE WHOLE.

Committee Memorandum No. SF-3 was offered in support of Committee Recommendation No. SF-3.

* * *

Mr. Sherbow, Chairman of the Committee on State Finance and Taxation, offered Committee Recommendation No. SF-4.

A RECOMMENDATION that the State Constitution include provisions with respect to State Debts and Gifts.

* * *

WHICH WAS READ AND REFERRED TO THE COMMITTEE OF THE WHOLE.

Committee Memorandum No. SF-4 was offered in support of Committee Recommendation No. SF-4.

* * *

At 2:15 o'clock P. M. Mr. Powers moved, duly seconded, that the Convention resolve itself into a Committee of the Whole for consideration of the General Orders of the Day.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

COMMITTEE OF THE WHOLE -- GENERAL ORDERS OF THE DAY

Amendment No. 9 to Committee Recommendation No. LB-1 -- By Delegate Sherbow from the floor. Amendment No. 9 was duly seconded.

Section 3.04., Composition of the Legislature.

The number of members of each house of the Legislature shall be as prescribed by law, but the number of votes in the House of Delegates shall not exceed one hundred twenty and the number of members of the Senate shall not exceed one third thereof.

* * *

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

Tawes, Clark J., Abramson, Adkins, Baumann, Beachley, Boyer, Burgess, Child, Clarke E. J., Frederick, Gilchrist, Gleason, Grant, Groh, Harkness, Hickman, Hopkins, Hostetter, Hutchinson, Kiefer, Linton, Mudd, Murphy, Robie K. L., Rush, Siewierski, Smith M. H., Vecera, Wheatley.

Total -- 30

Negative

Delegates --

President, James, Anderson, Armor, Bamberger, Bard, Barrick, Beall, Bennett, Boileau, Borom, Bothe, Boyce, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Cardin, Carson, Case, Chabot, Clagett, Cleveland, Dabrowski, Darby, Della, Dorsey, Dulany, Eckenrode, Finch, Fornos, Fox, Freedlander, Gallagher, Gill, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harris, Henderson, Jett, Kahl, Key, Kirkland, Koger, Kosakowski, Koss, Leitzel, Lord, Macdonald, Marion, Mason, Maurer, Mitchell, Morgan, Moser, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Robey F. C., Rollins, Rosenstock, Rybczynski, Scanlan, Schloeder, Schneider, Sickles, Singer, Smith A. W., Smith J. H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H. E., Taylor L., Ulrich, Wagandt, Webb, Weidemeyer, White, Willis, Willoner, Winslow.

Total -- 98

Not Voting

Delegates --

Blair, Boyles, Bushong, Caldwell, Cicone, Dukes, Johnson, Malkus, Mentzer, Miller B., Miller E. T., Mosner, Ritter, Sherbow.

Total -- 14

Amendment No. 10 -- By Delegate Weidemeyer from the floor. The amendment was duly seconded.

Strike out the words "one third the number of delegates" and insert in lieu thereof the following:

"fifty-two casting one hundred seventy-three votes. Each county shall be entitled to at least one senator casting one vote and each senator's vote weighted according to population with no one senator casting more than five votes subject to change in number of senators and number of votes to be cast per senator as population changes occur, and as the General Assembly may provide."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS
FOLLOWS:

Affirmative

Delegates --

Baumann, Beachley, Boyer, Della, Dorsey, Hickman, Hostetter,
Hutchinson, Linton, Murphy, Ritter, Rush, Siewierski, Vecera,
Weidemeyer.

Total -- 15

Negative

Delegates --

President, Tawes, Clark J., *Abramson, Adkins, Armor, Bamberger,
Bard, Barrick, Beall, Boileau, Borom, Bothe, Boyce, Bradshaw,
Bryson, Burgess, Bushong, Buzzell, Byrnes, Cardin, Carson, Chabot,
Child, Clagett, Clarke E. J., Cleveland, Dabrowski, Darby, Dulany,
Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher,
Gill, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Harris,
Henderson, Hopkins, Jett, Johnson, Kahl, Key, Koss, Leitzel, Lord,
Macdonald, Marion, Mason, Maurer, Miller B., Mitchell, Moser, Mudd,
Murray, D. S., Murray E. C., Needle, Neilson, Neumann, Penniman,
Peters, Powers, Price, Railey, Robey F. C., Robie K. L., Rosenstock,
Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles,
Singer, Smith A. W., Smith J. H., Smith M. H., Sollins, Sosnowski,
Soul, Storm, Sybert, Taylor H. E., Taylor L., Ulrich, Wagandt,
Webb, White, Willis, Willoner, Winslow.

* James,

Total -- 100

Not Voting

Delegates --

Anderson, Bennett, Blair, Boyles, Burdette, Caldwell, Case, Cicone,
Dukes, Gilchrist, Gleason, Hargrove, Harkness, Kiefer, Kirkland,
Koger, Kosakowski, Malkus, Mentzer, Miller E. T., Morgan, Mosner,
Pascal, Pullen, Rollins, Stern, Wheatley.

Total -- 27

Amendment No. 11 -- By Delegates Case and Lord from the floor. The
amendment was duly seconded.

Composition of the Legislature - strike out lines 2 through
6 and insert in lieu thereof the words:

"One senator shall represent each senatorial district. At
least one delegate, but not more than three delegates, shall
represent each delegate district."

Delegate Rybczynski moved, duly seconded, to substitute the following amendment No. 1 to Amendment No. 11 for Amendment No. 11.

Amendment No. 1 to Amendment No. 11 to Committee Recommendation No. LB-1 -- By Delegate Rybczynski from the floor. Amendment No. 1 to Amendment No. 11 was duly seconded.

Composition of the Legislature - strike out lines 2 through 6 and insert in lieu thereof the following:

"delegates. The State shall be divided into legislative districts for the election of senators and delegates. A legislative district shall consist of (a) one senate district and three whole delegate districts, or (b) one senate district and one delegate district represented by three delegates."

Mr. Rybczynski's motion to substitute Amendment No. 1 to Amendment No. 11 for Amendment No. 11 was defeated by yeas and nays as follows:

Affirmative

Delegates --

Tawes, James, Abramson, Anderson, Barrick, Baumann, Blair, Bothe, Boyer, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Clagett, Dabrowski, Darby, Della, Dorsey, Eckenrode, Fornos, Fox, Frederick, Gilchrist, Hickman, Hostetter, Johnson, Kahl, Kosakowski, Lord, Macdonald, Malkus, Mason, Moser, Murphy, Murray E. C., Peters, Pullen, Ritter, Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Sherbow, Siewierski, Sosnowski, Soul, Vecera, Webb, Weidemeyer, Wheatley.

Total -- 53

Negative

Delegates --

Clark J., Adkins, Armor, Bamberger, Bard, Beachley, Beall, Bennett, Boileau, Borom, Boyce, Boyles, Bradshaw, Bryson, Burdette, Burgess, Bushong, Chabot, Child, Clarke E. J., Cleveland, Dulany, Finch, Freedlander, Gallagher, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hopkins, Hutchinson, Jett, Key, Kiefer, Kirkland, Koger, Koss, Leitzel, Linton, Marion, Maurer, Mentzer, Miller B., Mitchell, Morgan, Mosner, Mudd, Murray D. S., Needle, Neilson, Neumann, Pascal, Penniman, Powers, Raley, Robey F. C., Robie K. L., Schloeder, Schneider, Sickles, Singer, Smith A. W., Smith J. H., Smith M. H., Sollins, Stern, Storm, Sybert, Taylor H. E., Taylor L., Ulrich, Wagandt, White, Willis, Willoner, Winslow.

Total -- 84

Not Voting

Delegates --

President, Cicone, Dukes, Miller E. T., Price.

Total -- 5

Amendment No. 11 -- By Delegates Case and Lord.

* * *

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS
FOLLOWS:

Affirmative

Delegates --

Tawes, James, Abramson, Adkins, Anderson, Barrick, Baumann, Blair,
Bothe, Boyer, Buzzell, Byrnes, Cardin, Carson, Case, Dabrowski,
Darby, Della, Dorsey, Dulany, Eckenrode, Finch, Frederick,
Gilchrist, Hickman, Hostetter, Hutchinson, Jett, Johnson, Kahl,
Kosakowski, Lord, Malkus, Mason, Murphy, Peters, Powers, Pullen,
Rollins, Rush, Rybczynski, Sherbow, Singer, Sosnowski, Soul, Storm,
Sybert, Vecera, Webb, Weidemeyer, Wheatley, Willis.

Total -- 52

Negative

Delegates --

Clark J., Armor, Bamberger, Beachley, Beall, Bennett, Boileau,
Borom, Boyce, Boyles, Bradshaw, Bryson, Burdette, Burgess, Bushong,
Caldwell, Chabot, Child, Clagett, Clarke E. J., Cleveland, Fornos,
Fox, Freedlander, Gallagher, Gill, Gleason, Grant, Groh, Grumbacher,
Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson,
Hopkins, Key, Kiefer, Kirkland, Koger, Koss, Litzel, Linton,
Macdonald, Marion, Maurer, Mentzer, Miller B., Mitchell, Morgan,
Moser, Mosner, Mudd, Murray D. S., Murray E. C., Needle,*Neumann,
Pascal, Penniman, Raley, Robey F. C., Robie K. L., Rosenstock,
Scanlan, Schloeder, Schneider, Sickles, Siewierski, Smith A. W.,
Smith J. H., Smith M. H., Sollins, Stern, Taylor H. E., Taylor L.,
Ulrich, Wagandt, White, Willoner, Winslow.

* Neilson

Total -- 83

Not Voting

Delegates --

President, Bard, Cicone, Dukes, Miller E. T., Price, Ritter,

Total -- 7

Amendment No. 12 to Committee Recommendation No. LB-1 -- By
Delegates Gallagher, Grant and Ritter from the floor, of the
Committee on the Legislative Branch.

"Any county which is not entitled to at least one delegate elected completely within the boundaries of the county shall be entitled to a non-voting legislative agent in the house of delegates."

WITH PERMISSION OF THE CONVENTION THE ABOVE AMENDMENT WAS
WITHDRAWN.

Amendment No. 13 to Committee Recommendation No. LB-1 -- By
Delegates Ritter, Grant from the floor. The amendment was duly
seconded.

Composition of the Legislature. Insert the following:

"The General Assembly may provide by law for each county which does not have a delegate residing within its boundaries to be represented in the house of delegates by a legislative representative. Such legislative representative shall be entitled to all the rights and privileges of a delegate except the right to vote."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS
FOLLOWS:

Affirmative

Delegates --

Tawes, Abramson, Adkins, Bard, Baumann, Beachley, Beall, Blair, Boyer, Boyles, Burdette, Burgess, Bushong, Buzzell, Byrnes, Caldwell, Child, Clagett, Clarke E. J., Cleveland, Dorsey, Eckenrode, Finch, Gallagher, Gilchrist, Gleason, Grant, Groh, Harkness, Hickman, Hopkins, Hostetter, Hutchinson, Johnson, Kirkland, Koger, Linton, Lord, Morgan, Mosner, Mudd, Murray E. C., Pascal, Penniman, Raley, Ritter, Robie K. L., Rosenstock, Rybczynski, Schneider, Sherbow, Smith J. H., Smith M. H., Sollins, Soul, Storm, Taylor L., Webb, Wheatley.

Total -- 59

Negative

Delegates --

President, Clark J., James, Bamberger, Barrick, Bennett, Boileau, Borom, Bothe, Boyce, Bradshaw, Bryson, Cardin, Carson, Chabot, Dabrowski, Della, Dulany, Fornos, Fox, Frederick, Freedlander, Gill, Grumbacher, Hanson, Hardwicke, Hargrove, Harris, Henderson, Jett, Key, Kiefer, Koss, Leitzel, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Murray D. S., Needle, Neilson, Neumann, Peters, Powers, Pullen, Robey F. C., Scanlan, Schloeder, Sickles, Siewierski, Singer, Smith A. W., Stern, Taylor E. E., Ulrich, White, Willis, Willoner

Total -- 61

Not Voting

Delegates --

Anderson, Armor, Case, Cicone, Darby, Dukes, Gullett, Kahl,
Kosakowski, Malkus, Miller E. T., Moser, Murphy, Price, Rollins,
Rush, Sosnowski, Sybert, Vecera, Wagandt, Weidemeyer, Winslow.

Total -- 22

Amendment No. 14 -- By Delegate Byrnes. The Amendment was duly
seconded.

"To the extent practicable, senate district boundaries
shall cross county or Baltimore City political boundaries so
as to contain delegate districts from different counties."

WITH PERMISSION OF THE CONVENTION THE ABOVE AMENDMENT WAS
WITHDRAWN.

Delegate Powers moved, duly seconded, that the Committee of
the Whole rise and report to the Convention.

SAID MOTION PREVAILED BY YEAS AND NAYS.

At 5:55 o'clock P. M. the Convention resumed its regular
session.

The President reported to the Convention that the Committee
of the Whole was still working on Committee Recommendation No.
LB-1.

At 6:02 o'clock P. M., on motion of Mr. Powers, duly seconded,
the Convention adjourned until Friday, November 10, 1967, at
10:00 o'clock A. M.

CONSTITUTIONAL CONVENTION OF MARYLAND
JOURNAL OF PROCEEDINGS

Annapolis, Md., Fri., Nov. 10, 1967

The Convention met at 10:00 o'clock A.M.

Invocation was offered by Rev. William J. Migliorini, Shrine of the Sacred Heart, Baltimore, Maryland.

Present at the roll call were the following delegates:

President, Tawes, Clark J., James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Cardin, Carson, Case, Chabot, Child, *Clagett, Clarke E.J., Cleveland, Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Ritter, Robev.F.C., Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow. Total--140
* Cicone

REPORT OF COMMITTEE ON CALENDAR AND AGENDA

Mr. Powers, Chairman of the Committee on Calendar and Agenda, reported on the daily calendar and agenda.

WHICH WAS READ AND ADOPTED BY VOICE VOTE.

REPORTS OF OTHER STANDING COMMITTEES

REPORT OF THE COMMITTEE OF THE WHOLE NO. 1

This Report Covers Matters In: General Order No. 1, Committee Recommendation No. GP-1 and Delegate Proposal No.'s 9, 89, and 133.

The Committee of the Whole has considered Committee Recommendation No. GP-1 and has approved it with amendments as indicated in the attachment to this report.

Committee Recommendation No. GP-1, as amended by the Committee of the Whole on October 31, 1967.

* * *

The General Assembly may provide by law for a Militia. The Governor shall be its Commander-in-Chief and shall appoint its officers. The Governor may order the Militia to active duty to repel invasions, suppress insurrections, enforce the execution of the laws, and provide assistance when great destruction of life or property is threatened or has occurred. The military authority of the State shall be and remain subject to civil control in the person of the Governor at all times. Only a member of the militia may be subject to trial by a military court of this State and then only for offenses committed while the member is in actual service.

REPORT OF THE COMMITTEE OF THE WHOLE NO. 2

This Report Covers Matters In: General Order No. 2, Committee Recommendation No. SF-1 and Delegate Proposal No.'s 23, 30, 153, 208, 253, and 274.

The Committee of the Whole has considered Committee Recommendation No. SF-1 and has approved it with amendments as indicated in the attachment to this report.

Committee Recommendation No. SF-1, as amended by the Committee of the Whole on November 3, 1967.

* * *

The General Assembly shall provide by law for post-audit of State finances by an agency of the General Assembly directed by a person appointed by it and under its control.

REPORT OF THE COMMITTEE OF THE WHOLE NO. 3

This Report Covers Matters In: General Order No. 4, Committee Recommendation No. GP-2 and Delegate Proposal No.'s 9, 180, and 405.

The Committee of the Whole has considered Committee Recommendation No. GP-2 and has approved it with amendments as indicated in the attachment to this Report.

Committee Recommendation No. GP-2, as amended by the Committee of the Whole on November 6, 1967.

* * *

Every person elected or appointed to any office of profit or trust under the Constitution or laws of this State shall, before he enters upon the duties of such office, take and subscribe the following oath or affirmation: "(In the presence of Almighty God) I, _____, do swear (or affirm) that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of Maryland and support the Constitution and laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice execute the office of _____, according to the Constitution and laws of this State." No other oath or affirmation shall be required.

Should any person elected or appointed to an office of profit or trust refuse or neglect to take the oath or affirmation, then such office shall be vacant, and shall be filled as provided by law.

Minority Report No. JB-1-- By Delegates Johnson, Harkness, Hickman, Kahl, Murphy, Siewierski, Rush.

A MINORITY REPORT concerning the Judicial Branch.

* * *

Minority Report No. JB-1 was received by the Convention.

MOTIONS AND RESOLUTIONS

COMMITTEE ON CALENDAR AND AGENDA

Debate Schedule No. 2

For Debate of Committee Recommendation No. S&E-1

There will be no general debate, and after presentation of the Committee report, the Committee Recommendations will be open to debate and amendment section-by-section, no speech exceeding three (3) minutes (except as otherwise provided).

* * *

Presentation by sponsor of further amendments limited to 10 minutes including time yielded for answering questions.

Note: Speeches alternate between sides whenever there is a total limit on a subject.

Debate Schedule No. 2 was amended on proper motion by Delegate Powers to read as changed above - Adopted.

Mr. Powers, duly seconded, moved that the Convention resolve itself into a Committee of the Whole for consideration of the General Orders of the Day under debate schedules 1 and 2 as amended.

SAID MOTION PREVAILED BY YEAS AND NAYS BY VOICE VOTE.

GENERAL ORDERS OF THE DAY

Committee of the Whole, Mr. Eney presided, consideration of Committee Recommendation No. LB-1.

Minority Report No. LB-1(E)-- By Delegates Hopkins, Sollins, Hanson, Clark. Delegate Hopkins reporting.

A MINORITY REPORT that Section 3.05 of the new Constitution not contain a district residence requirement for running for the General Assembly.

To be eligible as a senator or delegate a person shall be a qualified voter of the State of Maryland at the time of his election or appointment and shall have been a resident of the State for at least two years immediately preceding his election or appointment.

Comment:

The effect of the proposed amendment would be that the only residence requirement for members of the General Assembly would be living in Maryland. The purpose in eliminating district residence is not to permit legislators to represent areas in which they do not live but to avoid the unfair situations which will frequently arise as we enter an era of frequent redistricting.

* * *

Amendment No. 15-- By Delegates Hopkins, Sollins, Hanson, Clark, from the floor, (to accompany minority report LB-1(E)).

On page 2 of Committee Recommendation No. LB-1 strike all of Section 3.05. Qualifications of Legislators and insert in lieu thereof the following section:

Section 3.05. Qualifications of Legislators

To be eligible as a senator or delegate, a person shall be a qualified voter of the State of Maryland at the time of his election or appointment and shall have been a resident of the State for at least two years immediately preceding his election or appointment. To be eligible as a senator, a person shall have attained the age of twenty-five years, and, to be eligible as a delegate, he shall have attained the age of twenty-one years, at the time of his election or appointment.

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Clark, J., James, Bard, Barrick, Beall, Bennett, Boileau, Bothe, Bryson, Burdette, Cardin, Case, Cleveland, Dabrowski, Darby, Hanson, Hardwicke, Harris, Hopkins, Jett, Kiefer, Linton, Macdonald, Marion, Mentzer, Morgan, Murphy, Needle, Pullen, Schloeder, Sickles, Singer, Smith, M.H., Sollins, Sosnowski, Soul, Storm, Vecera, Webb, Willoner, Winslow. Total--41

Negative

Delegates--

President, Tawes, Abramson, Adkins, Anderson, Bamberger, Beachley, Blair, Borom, Boyer, Boyles, Bradshaw, Bushong, Buzzell, Byrnes, Chabot, Child, Cicone, Clagett, Clarke, E.J., Della, Dorsey, Dukes, Dulany, Eckinrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchirst, Gill, Gleason,

Grant, Groh, Hargrove, Harkness, Henderson, Hickman, Hostetter, Hutchinson, Johnson, Kahl, Key, Kirkland, Kosakowski, Koss, Leitzel, Lord, Malkus, Mason, Maurer, Miller, B., Mitchell, Moser, Mosner, Mudd, Murray, D.S., Murray, E.C., Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price, Raley, Ritter, Robey, F.C., Robie, K.L., Rosenstock, Rush, Rybczynski, Scanlan, Schneider, Sherbow, Siewierski, Smith, A.W., Smith, J.H., Stern, Taylor, H.E., Taylor, L., Ulrich, Wagandt, Weidemeyer, Wheatley, White, Willis. Total--89

Not Voting

Delegates--

Armor, Baumann, Boyce, Burgess, Caldwell, Carson, Grumbacher, Gullett, Koger, Miller, E.T., Rollins, Sybert, Total--12

Amendment No. 16-- By Delegate Gallagher, Francis X., Chairman, Committee on Legislative Branch, from the floor, the amendment was seconded.

On page 2 line 28 of Committee Recommendation LB-1 in between the words "redistricting." and "To" add the following sentence:

No person shall seek election to or be appointed to more than one seat in the General Assembly at a time.

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Bamberger, Bard, Boyles, Burgess, Buzzell, Byrnes, Carson, Child, Cicone, Dabrowski, Dulany, Eckenrode, Freedlander, Gallagher, Gleason, Grant, Groh, Harkness, Harris, Hickman, Hopkins, Johnson, Kahl, Kosakowski, Koss, Lord, Macdonald, Malkus, Maurer, Mentzer, Miller, B., Mudd, Needle, Neumann, Penniman, Peters, Powers, Robey, F.C., Rosenstock, Rush, Rybczynski, Siewierski, Smith, M.H., Sybert. Total--44

Negative

Delegates--

President, Tawes, Clark, J., James, Abramson, Adkins, Anderson, Armor, Barrick, Beachley, Bennett, Blair, Bothe, Boyer, Bradshaw, Bryson, *Bushong, Cardin, Case, Chabot, Clagett, Clarke, E.J., Cleveland, Darby, Della, Dorsey, Finch, Fornos, Fox, Frederick, Gilchrist, Gill, Hanson, Hardwicke, *Burdette,

Hargrove, Henderson, Hostetter, Hutchinson, Jett, Kirkland, Leitzel, Linton, Marion, Mason, Mitchell, Morgan, Moser, Mosner, Murphy, Murray D.S., Murray E.C., Neilson, Pascal, Price, Pullen, Raley, Ritter, Robie K.L., Rollins, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Singer, Smith A.W., Smith J.H., Sollins, Sosnowski, Soul, Stern, Storm, Taylor H.E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, Willis, Willoner, Winslow. Total--84

Not Voting

Delegates--

Baumann, Beall, Boileau, Borom, Boyce, Caldwell, Dukes, Grumbacher, Bullett, Key, Kiefer, Koger, Miller E.T., White. Total--14

Amendment No. 17-- By Delegate Chabot, from the floor, the amendment was duly seconded.

On page 2 in Section 3.06 Election of Legislators of Committee Recommendation No. LB-1, strike out lines 40, 41 and 42 and insert in lieu thereof the following:

"to serve for a term beginning at noon on the second Wednesday of December following his election and ending at noon on the second Wednesday of December in the fourth year thereafter."

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

President, Tawes, Clark J., James, Abramson, Adkins, Anderson, Bamberger, Bard, Barrick, Beachley, Bennett, Blair, Boileau, Borom, Bothe, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Cleveland, Dabrowski, Darby, Della, Dorsey, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kirkland, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Ritter, Robie K.L., Rollins, Rosenstock, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith M.H., Sollins, Sosnowski, Soul, Storm, Sybert, Taylor H.E., Taylor L., Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow. Total--125

Negative

None

Not Voting

Delegates--

Armor, Baumann, Beall, Boyce, Caldwell, Dukes, Gullett, Kiefer, Koger, Malkus, Miller B., Miller, E.T., Robey, F.C., Rush, Smith, J.H., Stern, Ulrich. Total--17

Minority Report No. LB-1(F)-- By Delegates Bard, Gleason, Miller, Sollins, Hanson, of the Committee on the Legislative Branch. Delegate Bard reporting.

A MINORITY REPORT that Section 3.12 of the new Constitution provide for legislative termination of sessions of the General Assembly.

The General Assembly shall meet in regular annual sessions convening on the third Wednesday of January of each year unless otherwise prescribed by law.

Comment:

The principal reason for permitting the General Assembly to set its own session length is a fundamental belief in the ability and integrity of the legislature to set its own schedule. The General Assembly is responsible enough to rule itself and does not need a Constitutional deadline in order to maintain legislative discipline.

* * *

Amendment No. 18-- By Delegates Bard, Gleason, Miller, Sollins, Hanson, from the floor, (to accompany minority report LB-1(F)), the amendment was duly seconded.

On pages 2 and 3 of Committee Recommendation No. LB-1 strike all of Section 312 Legislative Sessions and insert in lieu thereof the following section:

Section 3.12. Legislative Sessions

The General Assembly shall meet in regular annual sessions convening on the third Wednesday of January of each year unless otherwise prescribed by law.

* * *

At 12:30 P.M. Delegate Powers, duly seconded, moved that Committee of the Whole rise and report to the Convention that Committee Recommendation LB-1 is under consideration.

SAID MOTION PREVAILED BY YEAS AND NAYS BY VOICE VOTE.

The Convention resumed its regular session at 12:30 P.M.

The President reported that the Committee of the Whole has under consideration Committee Recommendation LB-1.

At 12:34 o'clock P.M. on motion of Mr. Powers, the Convention took a recess until 2:00 o'clock P.M.

At 2:00 P.M. the Convention resumed its session.

Present at roll call were the following delegates:

President, Tawes, Clark, J., James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Baumann, Beachley, Beall, Bennett, Blair, Borom, Bothe, Boyce, Boyer, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Cardin, Carson, Chabot, Child, Cicone, Clagett, Cleveland, Dabrowski, Dorsey, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Litzel, Macdonald, Marion, Mason, Maurer, Mentzer, Miller, B., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray, D.S., Murray, E.C., Needle, Neumann, Pascal, Penniman, Peters, Powers, Price, Raley, Robey, F.C., Robie, K.L., Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Smith, A.W., Smith, J.H., Smith, M.H., Sollins, Soul, Storm, Taylor, H.E., Taylor, L., Ulrich, Vecera, Wagandt, Webb, Wheatley, White, Willoner, Winslow. Total--115

MOTIONS AND RESOLUTIONS

Motion No. 6-- By Delegates Adkins, J.H. Smith, Scanlan

A MOTION to amend Rule 36 to provide for a limitation of debate.

* * *

"No delegate shall speak more than twice on the same motion pending before the Committee of the Whole except committee chairmen making their report, chairmen of minority reports, or by the unanimous consent of the Committee."

WHICH WAS READ THE FIRST TIME AND REFERRED TO THE COMMITTEE ON RULES, CREDENTIALS AND CONVENTION BUDGET.

Minority Report No. JB-1(B)-- By Delegates Dulany, Bradshaw, Hargrove, Marion, of the Committee on the Judicial Branch.

A MINORITY REPORT that Section 5.30 of the proposed Constitution provide for appointment of all clerks of court by rule.

* * *

WHICH WAS READ.

Minority Report No. SF-2(A)-- By Delegates Dukes, Koger, Mosner, Webb, of the Committee on State Finance and Taxation.

A MINORITY REPORT concerning Committee Recommendation No. SF-2, being the Committee's recommendation to continue the present constitutional prohibition of governmental

★ ★ ★

At 2:07 P.M. Delegate Powers, duly seconded, moved that the Convention resolve itself into a Committee of the Whole.

COMMITTEE OF THE WHOLE

Amendment No. 18, To accompany Minority Report LB-1(F),
entitled Legislative Sessions.

★ ★ ★

Affirmative

Abramson, Bamberger, Bard, Bryson, Byrnes, Carson, Chabot,
Clagett, Dabrowski, Gleason, Grant, Grumbacher, Hanson,
Hardwicke, Harris, Jett, Key, Koger, Lord, Macdonald, Marion,
Miller B., Mitchell, Morgan, Needle, Pascal, Robey, F.C.,
Robie K.L., Scanlan, Schloeder, Sickles, Singer, Sollins,
Sosnowski, Storm, Taylor L., Wheatley, White, Willoner,
Winslow. Total--40

Negative

President, Tawes, Clark J., James, Adkins, Anderson, Armor, Baumann, Beachley, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Bradshaw, Burdette, Burgess, Bushong, Buzzell, Cardin, Case, Child, Cicone, Clarke B.J., Cleveland, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Groh, Gullett, Hargrove, Harkness, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Johnson, Kahl, Kiefer, Kosakowski, Koss, Leitzel, Linton, Malkus, Mason, Maurer, Mentzer, Moser, Mudd, Murphy, Murray D.S., Murray E.C., Neilson, Neumann, Penniman, Peters, Powers, Price, Pullen, Raley, Ritter, Rollins, Rosenstock, Rush, Rybczynski, Schneider, Sherbow, Siewierski, Smith A.W., Smith J.H., Smith M.H., Soul, Stern, Sybert, Taylor H.E., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Willis.

Total--95

Not Voting

Delegates--

Barrick, Beall, Boyles, Caldwell, Kirkland, Miller E.T.,
Mosner, Total--7

Amendment No. 19-- By Delegates Carson, Cardin, James, Neumann,
from the floor, and amendment was duly seconded.

On page 3 in Section 3.12 Legislative Session, after
the period in line 9 add the following:

"The General Assembly may provide by law for an in-
crease in the ninety-day session limit, but such law shall
not apply to the General Assembly which enacted it."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS
AS FOLLOWS:

Affirmative

Delegates--

James, Burdette, Byrnes, Cardin, Carson, Clagett, Grant,
Grumbacher, Gullett, Hardwicke, Hutchinson, Jett, Maurer,
Miller B., Morgan, Moser, Needle, Neumann, Pascal, Rollins,
Rybczynski, Wheatley. Total--22

Negative

Delegates--

President, Tawes, Clark J., Abramson, Adkins, Anderson, Armor,
Bamberger, Bard, Baumann, Beachley, Bennett, Blair, Boileau,
Borom, Boyce, Boyer, Bradshaw, Bryson, Burgess, Bushong, Buzzell,
Chabot, Child, Cicone, Clarke E.J., Cleveland, Darby, Della,
Dorsey, Dukes, *Eckenrode, Fornos, Fox, Frederick, Freedlander,
Gallagher, Gilchrist, Gill, Gleason, Groh, Hanson, Hargrove,
Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Kahl,
Key, Koger, Kosakowski, Koss, Leitzel, Linton, Macdonald,
Marion, Mason, Mentzer, Mudd, Murphy, Murray D.S., Murray E.C.,
Neilson, Penniman, Peters, Powers, Price, Raley, Ritter,
Robey F.C., Robie K.L., Rosenstock, Rush, Scanlan, Schloeder,
Schneider, Sherbow, Sickles, Singer, Smith A.W., Smith J.H.,
Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Taylor H.E.,
Ulrich, Vecera, Webb, Weidemeyer, White, Willis, Willoner,
Winslow. Total--99

* Dulany

Not Voting

Delegates--

Barrick, Beall, Bothe, Boyles, Caldwell, Case, Dabrowski,
Finch, Johnson, Kiefer, Kirkland, Lord, Malkus, Miller E.T.,
Mitchell, Mosner, Pullen, Siewierski, Sybert, Taylor L.,
Wagandt. Total--21

Amendment No. 20-- By Delegate Gleason, from the floor, the amendment was seconded.

On page 3, Section 3.12, Legislative Sessions of Committee Recommendation No. LB-1, following the period in line 14, strike out the last sentence.

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Anderson, Armor, Baumann, Bennett, Bradshaw, Burdette, *Bushong, Cleveland, Dabrowski, Darby, Della, Dorsey, Dukes, Gilchrist, Gleason, Grant, Groh, Grumbacher, Gullett, Harkness, Henderson, Jett, Johnson, Kahl, Kosakowski, Malkus, Mason, Mentzer, Mudd, Murphy, Penniman, Ritter, Schneider, Sherbow, Sickles, Smith, J.H., Smith, M.H., Sosnowski, Soul, Taylor, H.E., Vecera, Webb, Weidemeyer, Winslow. Total--45

* Burgess

Negative

Delegates--

President, Tawes, Clark, J., Abramson, Adkins, Bamberger, Bard, Beachley, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Bryson, Buzzell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke, E., Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gill, Hanson, Hargrove, Harris, Hickman, Hopkins, Hostetter, Hutchinson, Key, Kiefer, Koss, Leitzel, Linton, Lord, Macdonald, Marion, Maurer, Miller, B., Morgan, Moser, Murray, D.S., Murray, E.C., Needle, Neilson, Neumann, Pascal, Peters, Powers, Price, Pullen, Raley, Robey, F.C., Robie, K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Singer, *Sollins, Stern, Storm, Sybert, Ulrich, Wagandt, Wheatley, White, Willis, Willoner. Total-83
*Smith, A.W.,

Not Voting

Delegates--

James, Barrick, Beall, Boyles, Byrnes, Caldwell, Hardwicke, Kirkland, Koger, Miller, E.T., Mitchell, Mosner, Siewierski, Taylor, L. Total--14

DELEGATE GALLAGHER DULY SECONDED MOVED THAT COMMITTEE RECOMMENDATION LB-1 AS AMENDED BE APPROVED.

SAID MOTION PREVAILED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

President, Tawes, Clark J., James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Beachley, Bennett, Boileau, Borom, Bothe, Boyce, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Cardin, Case, Chabot, Cicone, Clagett, Clarke E.J., Cleveland, Dabrowski, Dulany, Eckenrode, Finch, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hargrove, Harkness, Harris, Henderson, Hopkins, Jett, Key, Kiefer, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Miller B., Morgan, Moser, Mudd, Murray, D.S., Murray E.C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, *Price, Pullen, Raley, Ritter, Robey F.C., Robie K.L., Rosenstock, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith, J.H., Smith M.H., Sollins, Stern, Sybert, Taylor H.E., Taylor L., Ulrich, Wagandt, White, Willis, Willoner, Winslow. Total--107

* Powers

Negative

Delegates--

Baumann, Blair, Boyer, Carson, Child, Darby, Della, Dorsey, Dukes, Frederick, Hickman, Hostetter, Hutchinson, Johnson, Kahl, Murphy, Rollins, Rush, Rybczynski, Sosnowski, Soul, Storm, Vecera, Webb, Weidemeyer, Wheatley. Total--26

Not Voting

Delegates--

Barrick, Beall, Boyles, Caldwell, Hardwicke, Kirkland, Miller E.T., Mitchell, Mosner. Total--9

The next order of business was the Consideration of Committee Recommendation No. S&E-1.

Mrs. Koss, Chairman of the Committee on Suffrage and Elections, reported on COMMITTEE RECOMMENDATION NO. S&E-1.

The Committee on Suffrage and Elections recommends that the Constitution include the following provision on Referendum:

1. The Power of Referendum. The people reserve to themselves the power known as The Referendum.

2. Legislation Subject to Referendum. Every law is subject to referendum except any law for legislative districting or apportionment or Congressional districting, any law imposing a tax, or any law making an appropriation for maintaining the State government, or for aiding or maintaining any public institution. "Special legislation"

designated as such upon introduction and passed by a 3/5 vote of each House of the General Assembly is subject to referendum, but is not suspendable.

3. Manner of Referral. A petition is sufficient to refer a law to referendum if it is signed by a number of registered voters equal to 5% of the total number of votes cast for Governor in the most recent gubernatorial election. Not more than one-half of such required number shall be voters residing in any one county or Baltimore City. If within sixty days after the date of enactment the total number of required signatures is filed with the Governor or his designate, the law shall be submitted to referendum at the next general election held not less than four months after the date of enactment of such law.

4. Petition Provisions. A petition may consist of several papers, but each paper shall contain the full text of the law petitioned. There shall be attached to each paper an affidavit of the person procuring the signatures thereon that of his own knowledge every signature thereon is genuine and bona fide, and that the signers are registered voters of the State of Maryland, and of the county or Baltimore City, as the case may be, as set opposite their names. No other verification shall be required.

5. Legislation Subject to Suspension.

a. If within thirty days after the date of enactment of a law, one-half of the total number of signatures required is filed with the Governor or his designate, the law shall stand suspended until sixty days after the date of enactment.

b. If the law has been so suspended and, if within sixty days after the date of enactment the total required number of signatures is filed with the Governor or his designate, the law shall continue to be suspended.

6. Effect of Referendum. If the referred law is rejected by a majority of those voting on the question, and the number of voters voting on that question is not less than one-fourth of the total number of voters voting at such election, the law shall stand repealed thirty days after rejection. If the law is not so repealed then

a. A law which has been suspended shall take effect thirty days after the referendum or as provided therein, whichever is later.

b. A law which has not been suspended shall remain in effect.

Amendment No. 1, To Committee Recommendation No. S&E-1,
By Delegates Scanlan, Bothe, from the floor, the amendment was duly seconded.

On page 1 of Committee Recommendation No. S&E-1 strike out all of lines 9 through 11.

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS
AS FOLLOWS:

Affirmative

Delegates--

President, Abramson, Bard, Beachley, Bennett, Borom, Bothe, Bradshaw, Bryson, Carson, Chabot, Clagett, Dulany, Freedlander, Gilchrist, Gill, Grant, Groh, Grumbacher, Harkness, Henderson, Hickman, Hopkins, Jett, Key, Leitzel, Linton, Lord, Macdonald, Marion, Miller B., Morgan, Moser, Mudd, Needle, Neilson, Neumann, Peters, Powers, Raley, Robie K.L., Scanlan, Sherbow, Singer, Smith J.H., Smith M.H., Sollins, Taylor H.E., Taylor L., Ulrich, Wagandt, Willis, Willoner, Winslow. Total--54

Negative

Delegates--

Clark J., James, Anderson, Armor, Bamberger, Baumann, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Cardin, Case, Child, Cicone, Dorsey, Eckenrode, Frederick, Gill, Gleason, Hanson, Hardwicke, Hargrove, Harris, Hostetter, Hutchinson, Johnson, Kahl, Kiefer, Koger, Kosakowski, Koss, Mason, Maurer, Mentzer, Mitchell, Murray D.S., Murray E.C., Pascal, Penniman, Pullen, Ritter, Robey F.C., Rollins, Rybczynski, Schloeder, Schneider, Smith A.W., Siewierski, Soul, Stern, Storm, Sybert, Weidemeyer, Wheatley, White. Total--56

Not Voting

Delegates--

Tawes, Adkins, Barrick, Beall, Blair, Boileau, Boyce, Boyer, Boyles, Bushong, Clarke E.J., Cleveland, Dabrowski, Darby, Della, Dukes, Finch, Fornos, Fox, Gallagher, Gullett, Kirkland, Malkus, Miller E.T., Mosner, Murphy, Price, Rosenstock, Rush, Sosnowski, Vecera, Webb. Total--32

Amendment No. 2-- By Delegate Chabot, from the floor, the amendment was duly seconded.

On page 1, Section 1, The Power of Referendum, line 11 following the word "Referendum" add a comma and the following words: "as set forth in this Article".

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS
AS FOLLOWS:

Affirmative

Delegates--

Bard, Borom, Byrnes, Chabot, Clagett, Mason, Maurer, Wagandt, Total--8

Negative

Delegates--

Clark, J., James, Abramson, Anderson, Armor, Bamberger, Baumann, Beachley, Bennett, Bothe, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Caldwell, Cardin, Carson, Case, Child, Cicone, Clarke, E.J., Dorsey, Dulany, Eckenrode, Frederick, Freedlander, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Hanson, Hardwicke, Hargrove, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Koger, Kosakowski, Leitzel, Linton, Lord, Macdonald, Marion, Mentzer, Miller, B., Mitchell, Morgan, Moser, Mudd, Murray, D.S., Murray, E.C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Pullen, Raley, Ritter, Robey, F.C., Robie, K.L., Rollins, Rosenstock, Rybczynski, Scanlan, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith, A.W., Smith, J.H., Smith, M.H., Sollins, Soul, Stern, Storm, Sybert, Taylor, H.E., Taylor, L., Ulrich, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow Total--100

Not Voting

Delegates--

President, Tawes, Adkins, Darrick, Beall, Blair, Boileau, Boyce, Boyer, Boyles, Bushong, Cleveland, Dabrowski, Darby, Della, Dukes, Finch, Fornos, Fox, Gallagher, Gullett, Harkness, Kirkland, Koss, Malkus, Miller, E.T., Mosner, Murphy, Price, Rush, Schloeder, Sosnowski, Vecera, Webb. Total--34

Amendment No. 3-- To Committee Recommendation No. S&E-1,
By Delegate Hostetter, from the floor, the amendment was duly seconded.

On page 1 Section 2, Legislation Subject to Referendum, lines 19 through 22 strike out all of the last sentence and insert in lieu thereof the following:

"All laws of the General Assembly subject to referendum shall be suspendable unless they contain a section declaring them to be emergency laws and necessary for the immediate preservation of the public health or safety, and passed by a 3/5 vote of each House of the General Assembly."

Delegate Powers, duly seconded, moved that the Committee of the Whole Rise and report to the Convention that the Committee has approved as amended Committee Recommendation LB-1 and is considering Committee Recommendation S&E-1

SAID MOTION PREVAILED BY YEAS AND NAYS BY VOICE VOTE.

At 5:56 the Convention resumed its regular session.

ANNOUNCEMENTS

The President reported to the Convention that the Committee of the Whole had finished its consideration of Committee Recommendation LB-1 and had approved that Committee Recommendation as amended. He advised the delegates that the Committee of the Whole was considering Committee Recommendation S&E-1. The President referred Committee Recommendation LB-1, together with the adopted amendments, to the COMMITTEE ON STYLE, DRAFTING AND ARRANGEMENT.

At 6:02 o'clock P.M., on motion of Mr. Powers, duly seconded, the Convention adjourned until Monday, November 13, 1967, at 2:00 P.M.

CONSTITUTIONAL CONVENTION OF MARYLAND

JOURNAL OF PROCEEDINGS

Annapolis, Md., Monday, Nov. 13, 1967.

The Convention met at 2:00 o'clock P. M.

Invocation was offered by Rev. John Harfman, St. Peter Claver Catholic Church, Baltimore, Maryland.

Present at the roll call were the following delegates:

Tawes, James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E. J., Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Miller B., Miller E. T., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Ritter, Robey F. C., Robie K. L., Rollins, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A. S., Smith J. H., Smith M. H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H. E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total -- 136

Delegate William S. James presided.

REPORT OF COMMITTEE ON CALENDAR AND AGENDA

Mr. Powers, Chairman of the Committee on Calendar and Agenda, reported on the daily calendar and agenda.

WHICH WAS READ AND ADOPTED BY VOICE VOTE.

REPORTS OF OTHER STANDING COMMITTEES

Mr. Sherbow, Chairman of the Committee on State Finance and Taxation, offered Committee Recommendation No. SF-5.

A RECOMMENDATION that the Constitution include Sections 6.03 to 6.11 entitled Budget and Appropriations dealing with procedures regarding the budget bill and supplementary expense appropriations.

WHICH WAS READ AND REFERRED TO THE COMMITTEE OF THE WHOLE.

Committee Memorandum No. SF-5 was offered in support of Committee Recommendation No. SF-5.

* * *

Mr. Boyer, Chairman of the Committee on General Provisions, offered Committee Recommendation No. GP-5.

A RECOMMENDATION that the Constitution include a provision on State Jurisdiction over Federal Enclaves.

* * *

WHICH WAS READ AND REFERRED TO THE COMMITTEE OF THE WHOLE.

Delegate Powers moved, duly seconded, that the Convention resolve itself into a Committee of the Whole for the purpose of considering the General Orders of the Day and adopt debate schedule no. 3.

Debate Schedule No. 3

For Debate of Committee Recommendation No. LG-1.

There will be no general debate, and after presentation of the Committee report, the Committee Recommendation will be open to debate and amendment section-by-section, no speech exceeding three (3) minutes.

Three minute speech limitation does not apply to time consumed by Committee Chairman in answering questions.

Presentation by sponsor of amendments limited to 10 minutes including time yielded in answering questions.

Note: Speeches alternate between sides.

WHICH WAS READ AND ADOPTED.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

COMMITTEE OF THE WHOLE -- GENERAL ORDERS OF THE DAY

Consideration of Committee Recommendation S&E-1.

Mr. William S. James presided as chairman.

The chairman laid before the Committee Committee Recommendation No. S&E-1 for consideration.

Amendment No. 3 by Delegate Hostetter under consideration on Friday, November 10, was withdrawn by the sponsor with permission of the Committee.

Amendment No. 4 -- By Delegate Case from the floor. The Amendment was duly seconded.

On page 1, lines 17 and 18 of Committee Recommendation No. S&E-1, strike out the words "maintaining the State government, or for aiding or maintaining " and insert in lieu thereof the words, "the State government or."

WHICH AMENDMENT WAS READ AND ADOPTED BY VOICE VOTE.

Amendment No. 5 -- By Delegates Gilchrist, Scanlan, Freedlander from the floor. The Amendment was duly seconded.

In Committee Recommendation No. S&E-1; on page 1 strike all of lines 9 through 24; on page 2 strike out all of lines 1 through 50; and on page 3 strike out all of lines 1 through 6; and insert in lieu thereof the following:

"1. Right of Referendum. If, within sixty days from the date on which a bill becomes law, a petition is filed with the office of the Governor to refer the law to a vote of the people, the law shall be submitted to a vote at the next general election. If rejected by a majority of those voting on the question, the law shall stand repealed thirty days thereafter. If the petition is filed before the date on which the law is to take effect, then, unless the law is one passed by the affirmative vote of three-fifths of all the members of each house of the General Assembly, it shall not take effect until thirty days after its approval by a majority of those voting on the question in the election.

"2. Referendum Petition. A petition shall be sufficient to refer a law, or any part thereof, to a vote of the people if signed by a number of qualified voters equal to five per cent of the total number of votes cast for Governor in the most recent gubernatorial election, provided that not more than one half of such required number shall be voters residing in any one county.

"3. Referendum Restriction. No plan for legislative districting or apportionment or congressional districting, no law imposing a tax and no law making an appropriation for the State government or any public institution shall be subject to referendum."

Amendment No. 5 was ruled out of order at this time and was withdrawn by the sponsor.

Amendment No. 6 -- By Delegate Hostetter from the floor. The Amendment was duly seconded.

On page 1 Section 2, Legislation Subject to Referendum, lines 19 through 22, strike out all of the last sentence and insert in lieu thereof the following:

"All laws of the General Assembly subject to referendum shall be suspendable unless they contain a section declaring them to be emergency laws and necessary for the immediate preservation of the public health or safety, and passed by a three-fifths vote of each House of the General Assembly."

Amendment No. 1 to Amendment No. 6 to Committee Recommendation No. S&E-1 -- by Delegate Chabot.

On page 1, strike out lines 9 and 10 of Amendment No. 6 to Committee Recommendation No. S&E-1 and insert in lieu thereof the following: "nonsuspendible,".

WHICH AMENDMENT TO THE AMENDMENT WAS READ AND REJECTED BY VOICE VOTE.

The question on Amendment No. 6 was then put to the Committee by the Chairman.

AMENDMENT NO. 6 WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

Tawes, Adkins, Anderson, Barrick, Beachley, Blair, Boyer, Burgess, Caldwell, Carson, Case, Child, Clagett, Clarke E. J., Dabrowski, Darby, Della, Dorsey, Dukes, Freedlander, Gallagher, Gilchrist, Gill, Groh, Grumbacher, Hanson, Hardwicke, Harkness, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Kiefer, Kirkland, Kosakowski, Macdonald, Mentzer, Murphy, Needle, Neilson, Neumann, Pullen, Ritter, Robie K. L., Rollins, Scanlan, Schneider, Siewierski, Smith J. H., Smith M. H., Sosnowski, Sybert, Ulrich, Vecera, Webb, Weidemeyer, Wheatley, Willis, Winslow.

Total -- 60

Negative

Delegates --

President, Armor, Bamberger, Bard, Baumann, Beall, Bennett, Boileau, Boyce, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Cardin, Chabot, Cicone, Dulany, Eckenrode, Finch, Fox, Frederick, Gleason, Harris, Jett, Johnson, Kahl, Koger, Koss, Linton, Lord, Marion, Maurer, Miller B., Miller E. T., Mitchell, Morgan, Moser, Mosner, Mudd, Murray D. S., Murray E. C., Pascal, Penniman, Peters, Powers, Raley, Rush, Rybczynski, Schloeder, Sherbow, Sickles, Smith A. W., Sollins, Soul, Stern, Storm, Taylor H. E., Taylor L., Wagandt, White, Willoner.

Total -- 62

Not Voting

Delegates --

Clark J., James, Abramson, Borom, Bothe, Boyles, Bushong, Cleveland, Fornos, Grant, Gullett, Hargrove, Key, Leitzel, Malkus, Mason, Price, Robey F. C., Rosenstock, Singer.

Total -- 20

Minority Report No. S&E-1(A) -- By Delegates Chabot, D. S. Murray, and Schloeder of the Committee on Suffrage and Elections. Delegate Chabot reporting.

The delegates joining in this report, relating to referendum petition requirements, propose to amend Section 3 of Committee Recommendation No. S&E-1 by:

(a) striking, in line 3 of page 2, "votes cast," and inserting in lieu thereof, "persons qualified to vote,"; and

(b) striking, in line 7 of page 2, "sixty," and inserting in lieu thereof, "ninety (90)."

Summary of Changes

The language proposed by the delegates joining in this report makes the following changes in the plan of Committee Recommendation No. S&E-1:

(1) It increases the number of signatures necessary to suspend operation of a law, thereby making more difficult the misuse of the referendum.

(2) It increases the time for gathering signatures to refer a law and correspondingly increases the number of signatures needed, putting a greater premium on real citizen concern than on fast organization.

(3) It bases the signature requirement on registered voters, a more stable and logical base than gubernatorial vote.

* * *

Amendment No. 7 -- By Delegates Chabot, D. S. Murray, and Schloeder from the floor. The Amendment was duly seconded.

Section 3 of Committee Recommendation No. S&E-1 is amended by striking out, on page 2, line 3, "votes cast " and inserting in lieu thereof, "persons registered to vote"; and by striking out on page 2, line 7; "sixty " and inserting in lieu thereof, "ninety (90)."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS
FOLLOWS:

Affirmative

Delegates --

Bamberger, Beall, Bennett, Bothe, Boyles, Bryson, Chabot, Cicone, Clagett, Fornos, Fox, Frederick, Freedlander, Hardwicke, Marion, Miller B., Morgan, Murray D. S., Needle, Penniman, Scanlan, Schloeder, Sickles, Siewierski, Singer, Sollins, Storm, Taylor L., Willis, Willoner.

Total -- 30

Negative

Delegates --

President, Tawes, Abramson, Adkins, Anderson, Armor, Bard, Barrick, Beachley, Blair, Boileau, Borom, Boyce, Boyer, Bradshaw, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Child, Clarke E. J., Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Gilchrist, Gill, Gleason, Groh, Grumbacher, Gullett, Hanson, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Macdonald, Mason, Maurer, Mentzer, Miller E. T., Mitchell, Moser, Mosner, Mudd, Murphy, Murray E. C., Neilson, Neumann, Pascal, Peters, Powers, Pullen, Raley, Ritter, Robey F. C., Robie K. L., Rollins, Rush, Rybczynski, Schneider, Sherbow, Smith A. W., Smith J. H., Smith M. H., Sosnowski, Soul, Stern, Sybert, Taylor H. E., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Winslow.

Total -- 100

Not Voting

Delegates --

Clark J., James, Baumann, Bushong, Cleveland, Gallagher, Grant, Key, Lord, Malkus, Price, Rosenstock.

Total -- 12

Minority Report No. S&E-1(B) -- By Delegates Byrnes, Hutchinson, and Rybczynski of the Committee on Suffrage and Elections.
Delegate Hutchinson reporting.

A MINORITY REPORT concerning the Referendum.

Since 1915 the people of Maryland have been afforded the right of direct participation in government by the use of the Referendum. From 1915 until the present the people of Maryland have used the State-wide Referendum on only twelve occasions. Yet, the fact remains that the people have used the Referendum when they deemed it necessary. It has been, throughout the years, a worthwhile tool for those who desire the right to participate directly in their government.

It is our opinion that the suggested petition requirement of signatures equal to five per cent of the total number of votes cast for Governor in the most recent gubernatorial election, unduly deters the people's right of referendum.

* * *

Committee Recommendation S&E-1, Section 3, reads as follows:

"A petition is sufficient to refer a law to referendum if it is signed by a number of registered voters equal to five per cent of the total number of votes cast for Governor in the most recent gubernatorial election."

The present Constitution establishes a three per cent requirement. The minority believes that three per cent is sufficient.

Amendment No. 8 -- By Delegates Byrnes, Hutchinson, and Rybczynski from the floor. The Amendment was duly seconded.

On page 2 line 3 of Committee Recommendation No. S&E-1, strike out the figure "5." and insert in lieu thereof the figure "3".

WHICH AMENDMENT WAS READ AND REJECTED BY VOICE VOTE.

Delegate Kahl moved, duly seconded, to reconsider the vote by which Amendment No. 6 by Delegate Hostetter was adopted.

SAID MOTION PREVAILED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

President, Tawes, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Baumann, Beall, Bennett, Blair, Boyer, Boyles, Bryson, Burgess, Buzzell, Caldwell, Carson, Case, Child, Cicone, Clarke E. J., Dabrowski, Darby, Della, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grumbacher, Hanson, Hardwicke, Hargrove, Harkness, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Kiefer, Kirkland, Kosakowski, Leitzel, Linton, Lord, Macdonald, Mason, Mitchell, Mosner, Mudd, Murphy, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Penniman, Peters, Pullen, Ritter, Robey F. C., Robie K. L., Rollins, Rush, Scanlan, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A. W., Smith J. H., Smith M. H., Sosnowski, Soul, Stern, Storm, Sybert, Ulrich, Vecera, Wagandt, Webb, Wheatley, Willis, Willoner, Winslow.

Total -- 97

Negative

Delegates --

Boileau, Borom, Bothe, Boyce, Bradshaw, Burdette, Byrnes, Cardin, Chabot, Clagett, Dorsey, Frederick, Gullett, Harris, Koger, Koss, Marion, Maurer, Mentzer, Miller B., Miller E. T., Moser, Pascal, Powers, Raley, Rybczynski, Schloeder, Sollins, Taylor H. E., Taylor L., White.

Total -- 31

Not Voting

Delegates --

Clark J., James, Barrick, Beachley, Bushong, Cleveland, Grant, Groh, Key, Malkus, Morgan, Price, Rosenstock, Weidemeyer.

Total -- 14

Amendment No. 6 was then before the Committee of the Whole for consideration.

Amendment No. 6 -- By Delegate Hostetter.

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

President, Tawes, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Baumann, Beall, Blair, Boyer, Boyles, Burgess, Buzzell, Caldwell, Carson, Case, Child, Cicone, Clagett, Clarke E. J., Dabrowski, Darby, Della, Dukes, Dulany, Eckenrode, Finch, Fox, Freedlander, Gallagher, Gilchrist, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Kiefer, Kirkland, Koger, Kosakowski, Leitzel, Linton, Lord, Macdonald, Mason, Morgan, Moser, Mosner, Mudd, Murphy, Murray E. C., Needle, Neilson, Neumann, Penniman, Peters, Pullen, Raley, Ritter, Robey F. C., Robie K. L., Rollins, Rush, Scanlan, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A. W., Smith J. H., Smith M. H., Sosnowski, Stern, Storm, Sybert, Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, Willis, Willoner, Winslow.

Total -- 96

Negative

Delegates --

Bennett, Boileau, Borom, Bothe, Boyce, Bradshaw, Bryson, Burdette, Byrnes, Cardin, Chabot, Dorsey, Gill, Gleason, Koss, Marion, Maurer, Mentzer, Miller B., Miller E. T., Murray D. S., Pascal, Powers, Rybczynski, Schloeder, Soul, Taylor H. E., White.

Total -- 28

Not Voting

Delegates --

Clark J., James, Barrick, Beachley, Bushong, Cleveland, Fornos, Frederick, Grant, Groh, Harris, Key, Malkus, Mitchell, Price, Rosenstock, Sollins, Taylor L.

Total -- 18

Amendment No. 9 -- By Delegates Scanlan and Bothe.

On page 2 strike out all of lines 15 through 25.

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

Tawes, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Blair, Boileau, Bothe, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Caldwell, Clagett, Clarke E. J., Dabrowski, Darby, Della, Dukes, Dulany, Eckenrode, Finch, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Hardwicke, Hargrove, Harkness, Harris, Hickman, Hopkins, Hostetter, Jett, Johnson, Kahl, Leitzel, Lord, Macdonald, Mason, Maurer, Mentzer, Moser, Mosner, Murphy, Murray E. C., Needle, Neilson, Neumann, Penniman, Peters, Powers, Pullen, Raley, Robey F. C., Robie K. L., Rush, Scanlan, Sherbow, Sickles, Siewierski, Singer, Smith A. W., Smith J. H., Smith M. H., Stern, Storm, Ulrich, Vecera, Wagandt, Webb, Willis, Willoner, Winslow.

Total -- 78

Negative

Delegates --

President, Beall, Bennett, Boyer, Boyles, Byrnes, Cardin, Carson, Chabot, Child, Cicone, Dorsey, Fornos, Fox, Frederick, Grumbacher, Gullett, Hanson, Henderson, Hutchinson, Kiefer, Kirkland, Koger, Kosakowski, Koss, Marion, Miller B., Mitchell, Morgan, Mudd, Murray D. S., Pascal, Rollins, Rybczynski, Schloeder, Schneider, Sollins, Soul, Sybert, Taylor H. E., Taylor L., Weidemeyer, Wheatley, White.

Total -- 44

Not Voting

Delegates --

Clark J., James, Barrick, Baumann, Beachley, Borom, Boyce, Bushong, Case, Cleveland, Grant, Groh, Key, Linton, Malkus, Miller E. T., Price, Ritter, Rosenstock, Sosnowski.

Total -- 20

Delegate Powers moved, duly seconded, that the Committee of the Whole rise and report to the Convention that the Committee has under consideration Committee Recommendation S&E-1 and is considering Amendments to the Committee Recommendation.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

At 5:59 o'clock P. M. the Convention resumed its session.

Acting President James reported to the Convention that the Committee of the Whole had under consideration Committee Recommendation No. S&E-1.

At 6:00 o'clock P. M. on motion of Mr. Powers, duly seconded, the Convention took a recess until 7:30 o'clock P. M.

At 7:30 o'clock P. M. the Convention resumed its session. Present at the roll call were the following delegates:

President, Tawes, Adkins, Anderson, Bamberger, Baumann, Bennett, Blair, Boileau, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Cardin, Chabot, Child, Clagett, Clarke E. J., Dabrowski, Darby, Della, Dorsey, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gleason, Grant, Grumbacher, Gullett, Hanson, Hargrove, Harkness, Henderson, Hickman, Hostetter, Hutchinson, Johnson, Kahl, Kiefer, Kirkland, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Mosner, Mudd, Murphy, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Raley, Ritter, Robey F. C., Rush, Rybczynski, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Smith J. H., Smith M. H., Sosnowski, Stern, Storm, Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, Willoner, Winslow.

Total -- 97

At 7:40 o'clock P. M. Delegate Powers moved, duly seconded, that the Convention resolve itself into the Committee of the Whole to continue consideration of the General Orders of the Day.

COMMITTEE OF THE WHOLE -- GENERAL ORDERS OF THE DAY

Consideration of Committee Recommendation No. S&E-1.

Amendment No. 10 -- By Delegate Cardin from the floor. The Amendment was duly seconded.

On page 3, lines 5 and 6, delete entire subsection (b).

WHICH AMENDMENT WAS READ AND ADOPTED BY VOICE VOTE.

Minority Report No. S&E-1(C) -- By Delegates Byrnes, Hutchinson, D. S. Murray, Schloeder, and White of the Committee on Suffrage and Elections. Delegate Byrnes reporting.

A MINORITY REPORT providing for Indirect Initiative.

What is Indirect Initiative?

It is a device by which the people can submit to the legislature a proposed law and if it is rejected by the legislature, submit it to the people for their judgement. * * *

What are the Advantages of Indirect Initiatives?

1. It permits minority interests the right to go to the people in a positive way if the legislature is reluctant to respond to problems which do not seem to enjoy "popularity."
* * *

2. It stimulates, in a positive way, citizen involvement in issues as well as candidacies at election time. * * *

3. It takes the pressure off legislators, particularly in the event of single or small multi-member districts. * * *

4. Indirect Initiative will curtail to some extent the use of Referendum and encourage a direct dialogue between legislature and people before enactment rather than after as in the case of referendum. * * *

5. It will make the new constitution and the new stronger government established by it, more attractive to the voters of the State. * * *

As government grows more complex and farther from real control by the people, instruments of self-government such as referendum and indirect initiative should be extended. * * *

* * *

Amendment No. 11 -- By Delegates Byrnes, Hutchinson, D. S. Murray, Schloeder, and White from the floor. Amendment No. 11 was duly seconded.

On page 3, line 8 of Committee Recommendation No. S&E-1, add the following Section 7, on Indirect Initiative:

Section 7. Indirect Initiative.

(a) The people reserve to themselves the power to propose laws and to enact or reject such laws at the polls. This reserved power is the initiative.

(b) The sponors of an initiative petition shall incorporate therein either the full text of the law proposed or an adequate summary. The petition shall be signed by qualified voters equal in number to at least ten per cent of the total votes cast for Governor in the last preceding gubernatorial election. Initiative petitions shall be filed with the secretary of the Legislature 90 days before the beginning of the regular annual session of the General Assembly. If the proposed law is not enacted into law at the next ensuing session of the Legislature, the question of the adoption of the proposed law shall be submitted by the secretary of the Legislature to the qualified voters at the first regular election held not less than sixty days after the end of the session which fails to enact the proposal. The Legislature may provide by law for a procedure by which the sponors may withdraw an initiative petition at any time prior to its submission to the people.

(c) Each law proposed by the initiative shall be submitted to the qualified voters by a ballot title which shall be descriptive but not argumentative or prejudicial and which shall be prepared by the legal department of the State, subject to review by the courts. Any initiative proposal submitted to the voters shall become law only when approved by a majority of the votes cast thereon and shall take effect thirty days after the date of the vote thereon, unless the proposal itself otherwise provides.

(d) The initiative shall not be used to enact laws for legislative districting or apportionment or congressional districting, making or repealing appropriations of public funds, dedicating revenues, creating courts or defining their jurisdiction or prescribing their rules, naming or designating any person to hold a public office, or to enact or abrogate special or local laws.

(e) No law adopted by the initiative by the vote of the qualified voters under this section shall be repealed or amended by the legislature within a period of three years of adoption except by a two-thirds vote of all the members.

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

Boyer, Burgess, Buzzell, Byrnes, Child, Cicone, Dabrowski, Eckenrode, Finch, Grant, Harris, Hostetter, Hutchinson, Kirkland, Koger, Kosakowski, Leitzel, Mentzer, Murray D. S., Pullen, Schloeder, Siewierski, Storm, Taylor L., Weidereyer, White, Willoner.

Total -- 27

Negative

Delegates --

President, Tawes, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Baumann, Bennett, Blair, Bothe, Boyce, Boyles, Bradshaw, Bryson, Burdette, Caldwell, Cardin, Carson, Case, Chabot, Clagett, Clarke E. J., Darby, Della, Dorsey, Dulany, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grumbacher, Gullett, Hanson, Hargrove, Harkness, Henderson, Hickman, Hopkins, Jett, Koss, Linton, Lord, Macdonald, Marion, Mason, Maurer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murray E. C., Needle, Neilson, Neumann, Penniman, Peters, Powers, Raley, Ritter, Robey F. C., Rollins, Rush, Rybczynski, Schneider, Sherbow, Sickles, Singer, Smith A. W., Smith J. H., Smith M. H., Sosnowski, Soul, Stern, Sybert, Ulrich, Vecera, Webb, Wheatley, Willis, Winslow.

Total -- 86

Not Voting

Delegates --

Clark J., James, Barrick, Beachley, Beall, Boileau, **Borom**, Bushong, Cleveland, Dukes, Fornos, Fox, Groh, Hardwicke, Johnson, Kahl, Key, Kiefer, Malkus, Miller E. T., Murphy, Pascal, Price, Robie K. L., *Scanlan, Sollins, Taylor H. E., Wagandt.
* **Rosenstock**,

Total -- 29

Amendment No. 12 -- By Delegate Hutchinson from the floor.

Amendment No. 12 was duly seconded.

On page 3 line 8 of Committee Recommendation No. S&E-1 add the following:

"7. Re-enactment of Repealed Legislation. Once a law has been repealed by the people of the State, no subsequent law designed to accomplish that which was rejected by the people may be re-introduced in the General Assembly until a period of two years has elapsed since the effective date of the repeal."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

Burdette, Burgess, Dabrowski, Darby, Eckenrode, Hostetter, Hutchinson, Jett, Johnson, Kahl, Leitzel, Murray E. C., Peters, Siewierski, Sosnowski, Sybert.

Total -- 16

Negative

Delegates --

President, Tawes, Adkins, Anderson, Armor, Bamberger, Bard, Baumann, Bennett, Blair, Boileau, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E. J., Della, Dorsey, Dulany, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Gullett, Hanson, Hargrove, Harkness, Hickman, Hopkins, Kirkland, Koss, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D. S., Needle, Neilson, Neumann, Pascal, Penniman, Powers, Pullen, Raley, Ritter, Robey F. C., Rollins, Rush, Rybczynski, Schloeder, Schneider, Sherbow, Sickles, Singer, Smith A. W., Smith J. H., Smith M. H., Soul, Stern, Storm, Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total -- 97

Not Voting

Delegates --

Clark J., James, Abramson, Barrick, Beachley, Beall, Borom, Bushong, Cleveland, Dukes, Finch, Fornos, Groh, Grumbacher, Hardwicke, Harris, Henderson, Key, Kiefer, Koger, Kosakowski, Malkus, Miller E. T., Price, Robie K. L., Rosenstock, Scanlan, Sollins, Taylor H. E.

Total -- 29

Amendment No. 13 -- By Delegate Hutchinson from the floor. The amendment was duly seconded.

On page 3 line 8 of Committee Recommendation No. S&E-1 add the following:

"7. Re-enactment of Repealed Legislation. Once a law has been repealed by the people of the State, no subsequent law designed to accomplish that which was voted down by the people may be re-introduced in the General Assembly except:

a. By a three-fifths vote of each House of the General Assembly, or

b. Until a period of two years has elapsed since the effective date of the repeal."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegate --

Bennett, Boileau, Boyer, Burdette, Buzzell, Byrnes, Dabrowski, Darby, Eckenrode, Fox, Gleason, Grant, Harkness, Hostetter, Hutchinson, Johnson, Kahl, Leitzel, Linton, Mentzer, Murray E. C., Peters, Schneider, Siewierski, Sosnowski, Sybert, Weidemeyer.

Total -- 27

Negative

Delegates --

President, Tawes, Adkins, Anderson, Armor, Bamberger, Bard, Baumann, Blair, Bothe, Boyce, Boyles, Bradshaw, Bryson, Burgess, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E. J., Dorsey, Dulany, Finch, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Grumbacher, Gullett, Hanson, Hargrove, Hickman, Hopkins, Jett, Koss, Lord, Macdonald, Marion, Mason, Maurer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murray D. S., Needle, Neilson, Neumann, Pascal, Penniman, Powers, Pullen, Raley, Ritter, Robey F. C., Rollins, Rybczynski, Schloeder, Sickles, Singer, Smith A. W., Smith J. H., Smith M. H., Soul, Stern, Storm, Ulrich, Webb, White, Willis, Willoner, Winslow.

Total -- 79

Not Voting

Delegates --

Clark J., James, Abramson, Barrick, Beachley, Beall, Borom, Bushong, Cleveland, Della, Dukes, Fornos, Groh, Hardwicke, Harris, Henderson, Key, Kiefer, Kirkland, Koger, Kosakowski, Malkus, Miller E. T., Murphy, Price, Robie K. L., Rosenstock, Rush, Scanlan, Sherbow, Sollins, Taylor H. E., Taylor L., Vecera, Wagandt, Wheatley.

Total -- 36

Amendment No. 14 -- By Delegates Gilchrist, Scanlan and Freedlander from the floor. The amendment was duly seconded.

In Committee Recommendation No. S&E-1; on page 1 strike all of lines 9 through 24; on page 2 strike out all of lines 1 through 50; and on page 3 strike out all of lines 1 through 6; and insert in lieu thereof the following:

"1. Right of Referendum. If, within sixty days from the date on which a bill becomes law, a petition is filed with the office of the Governor to refer the law to a vote of the people, the law shall be submitted to a vote at the next general election.

If rejected by a majority of those voting on the question, the law shall stand repealed thirty days thereafter. If the petition is filed before the date on which the law is to take effect, then, unless the law is one designated as an emergency law and is passed by the affirmative vote of three-fifths of all the members of each house of the General Assembly, it shall not take effect until thirty days after its approval by a majority of those voting on the question in the election.

2. Referendum Petition. A petition shall be sufficient to refer a law, or any part thereof, to a vote of the people if signed by a number of qualified voters equal to five per cent of the total number of votes cast for governor in the most recent gubernatorial election, provided that not more than one half of such required number shall be voters residing in any one county.

3. Referendum Restrictions. No plan for legislative districting or apportionment or congressional districting, no law imposing a tax and no law making an appropriation for the State government or for any public institution shall be subject to referendum."

AMENDMENT NO. 14 WAS WITHDRAWN WITH THE PERMISSION OF THE COMMITTEE OF THE WHOLE.

COMMITTEE RECOMMENDATION NO. S&E-1 AS AMENDED WAS APPROVED BY THE COMMITTEE BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

President, Tawes, Adkins, Anderson, Armor, Bamberger, Bard, Baumann, Bennett, Blair, Boileau, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Della, Dorsey, Dulany, Eckenrode, Finch, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Grumbacher, Gullett, Hanson, Hargrove, Harkness, Harris, Henderson, Hopkins, Hostetter, Johnson, Kahl, Kirkland, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Pullen, Raley, Ritter, Robey F. C., Rollins, Rush, Rybczynski, Schloeder, Schneider, Sherbow, Sickles, Singer, Smith A. W., Smith J. H., Smith M. H., Sosnowski, Soul, Stern, Storm, Sybert, Taylor L, Ulrich, Vecera, Wagandt, Webb, Wheatley, White, Willis, Willoner, Winslow.

Total -- 113

Negative

Delegates --

Hickman, Hutchinson, Jett, Siewierski, Weidemeyer.

Total -- 5

Not Voting

Delegates --

Clark J., James, Abramson, Barrick, Beachley, Beall, Borom, Bushong, Cleveland, Dukes, Fornos, Groh, Hardwicke, Key, Kiefer, Koger, Malkus, Miller E. T., Price, Robie K. L., Rosenstock, Scanlan, Sollins, Taylor H. E.

Total -- 24

Delegate Powers moved, duly seconded, that the Committee of the Whole rise and report to the Convention that it had concluded its consideration on Committee Recommendation No. S&E-1.

At 9:55 o'clock P. M. the Convention resumed its session.

Acting President James reported to the Convention that the Committee of the Whole had concluded its consideration of Committee Recommendation No. S&E-1 and referred Committee Recommendation No. S&E-1 together with the adopted amendments to the Committee on Style, Drafting and Arrangement.

At 10:00 o'clock P. M. on motion of Mr. Powers, duly seconded, the Convention adjourned until Tuesday, November 14, 1967, at 10:00 o'clock A. M.

CONSTITUTIONAL CONVENTION OF MARYLAND
JOURNAL OF PROCEEDINGS

Annapolis, Md., Tuesday, Nov. 14, 1967

The Convention met at 10:00 A.M.

Invocation was offered by Rev. Robert L. Keesler, St. Mary's Catholic Church of Annapolis, Md.

Present at roll call were the following delegates:

President, Tawes, Clark J., James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Litzel, Linton, Lord, Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Miller B., Miller E.T., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Smith H.W., Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Robey F.C., Robie K.E., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith J.E., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Ritter, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow. Total--139

REPORT OF COMMITTEE ON CALENDAR AND AGENDA

Mr. Powers, Chairman of the Committee on Calendar and Agenda, reported the daily calendar and agenda.

WHICH WAS READ AND ADOPTED BY VOICE VOTE.

Delegate Powers, duly seconded, moved that the Convention resolve itself into the Committee of the Whole to consider the General Orders of the Day under limitation of debate already approved.

MOTION PREVAILED BY YEAS AND NAYS.

COMMITTEE OF THE WHOLE GENERAL ORDERS OF THE DAY

Consideration of Committee Recommendation GP-3

Mr. Boyer, Chairman of the Committee on General Provisions reported on Committee Recommendation No. GP-3.

The General Assembly shall provide by law for the conservation,

enhancement, improvement and protection of the natural resources and environment, and scenic beauty of the State.

Amendment No. 1-- By Delegate Hardwicke from the floor. the amendment was duly seconded.

"It shall be the policy of this State that the state government shall, by appropriate action, conserve, enhance, improve and protect the natural resources and environment, and scenic beauty of the State."

Which amendment was read and rejected by yeas and nays as follows:

Affirmative

Delegates--

Clark, J., James, Bennett, Bryson, Chabot, Groh, Hanson, Hardwicke, Henderson, Hutchinson, Mentzer, Needle, Schloeder, Siewierski, Sollins, White. Total--16

Not Voting

Delegates--

Adkins, Barrick, Baumann, Beall, Boyles, Bushong, Cleveland, Dabrowski, Darby, Dukes, Hargrove, Johnson, Kiefer, Koger, Macdonald, Murray, E.C., Pascal, Vecera, Winslow. Total--19

Negative

Delegates--

President,* Abramson, Anderson, Armor, Bamberger, Bard, Beachley, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Bradshaw, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Child, Cicone, Clagett, Clarke E.J., Della, Dorsey, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freeland, Gallagher, Gilchrist, Gill, Gleason, Grant, Grumbacher, Gullett, Harkness, Harris, Hickman, Hopkins, Hostetter, Jett, Kahl, Key, Kirkland, Kosakowski, Koss, Leitzel, Linton, Lord, Malkus, Marion, Mason, Maurer, Miller B., Miller E.T., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray, D.S., Neilson, Neumann, Smith, Penniman, Peters, Powers, Price, Pullen, Raley, Robey F.C., Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schneider, Sherbow, Sickles, Singer, Smith J.H.,** Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Wagandt, Webb, Ritter, Weidemeyer, Wheatley, Willis, Willoner. Total--107
* Tawes, ** Smith M.H.,

Amendment No. 2-- By Delegate Adkins from the floor the amendment was duly seconded.

On page 1 line 8, strike out the word "shall" and insert in lieu thereof the word "may".

Which amendment was read and rejected by yeas and nays as follows:

Affirmative

Delegates--

Clark, J., James, Abramson, Adkins, Anderson, Bamberger, Bard, Beall, Bradshaw, Bryson, Buzzell, Della, Dorsey, Dulany, Gilchrist, Groh, Harkness, Henderson, Hickman, Johnson, Marion, Mason, Mentzer, Raley, Scanlan, Smith, M.H., Weidemeyer, Willis, Willoner. Total--29

Not Voting

Delegates--

President, Barrick, Boyles, Bushong, Cleveland, Dukes, Hardwicke, Hargrove, Kiefer, Koger, Malkus, Pascal, Winslow. Total--13

Negative

Delegates--

Tawes, Armor, Baumann, Beachley, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Burdette, Burgess, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gill, Gleason, Grant, Grumbacher, Gullett, Hanson, Harris, Hopkins, Hostetter, Hutchinson, Jett, Kahl, Key, Kirkland, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Maurer, Miller B., Miller E.T., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Penniman, Peters, Powers, Price, Pullen, Robey F.C., Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith J.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Ritter, Wheatley, White. Total--100

COMMITTEE RECOMMENDATION NO. GP-3 WAS APPROVED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

President, Tawes, Clark J., James, Anderson, Armor, Bamberger, Bard, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Boyer, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Harris, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kirkland, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Miller B., Miller E.T., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Smith* Penniman, Powers, Price, Pullen, Raley, Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Schloeder, Sherbow, Sickles, Siewierski, Singer, Smith J.H., Sollins, Sosnowski, Soul, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera, Webb, Ritter, Wheatley, White, Willis. Total--108

* A.W.,

Not Voting

Delegates--

Abramson, Barrick, Boyles, Bushong, Cleveland, Dukes, Hargrove, Kiefer,
Koger, Malkus, Pascal, Wagandt, Winslow. Total--13

Negative

Delegates--

Adkins, Bothe, Boyce, Bradshaw, Bryson, Della, Dorsey, Dulany, Gilchrist,
Hardwicke, Harkness, Henderson, Mentzer, Peters, Robey, F.C., Scanlan,
Schneider, Smith, M.H., Stern, Weidmeyer, Willoner. Total--21

Consideration of Committee Recommendation LG-1

Mr. Moser, Chairman of the Committee on Local Government reported
on Committee Recommendation No. LG-1.

A RECOMMENDATION that the Constitution include an Article on Local Government containing sections on Definitions, Establishment of Counties, Structure of County Government, Change of Structure of County Government, Powers of Counties, General Application of Laws, Existing Municipal Corporations, New Municipal Corporations and Civil Units, Additional Powers of Municipal Corporations, Credit Limitations of Local Governments, Establishment of Multi-County Governmental Units, Financing of Intergovernmental Authorities; and, that the Article on General Provisions contain a section on Intergovernmental Cooperation and Agreements.

ARTICLE VII. LOCAL GOVERNMENT.

Section 7.01 Definitions.

For the purposes of this Constitution, "county" shall include Baltimore City, each of the twenty-three existing counties and any other counties established pursuant to this Constitution; "municipal corporation" shall mean an incorporated city, town or village, but shall not include Baltimore City or any county; "civil unit" shall mean a unit of local government, other than a municipal corporation, comprising a part of the area of a county; and "region" shall mean an area comprising all or parts of two or more counties.

COUNTIES

Section 7.02. Establishment of Counties.

The General Assembly may provide by law for the establishment, merger, dissolution and alteration of boundaries of counties; but no such law shall become effective until submitted to the voters of each county affected and approved by a majority of those voting on the question in each such county.

Section 7.03. Structure of County Government.

Each county shall have a written instrument of government which establishes the structure of its government. Within one year following the adoption of this Constitution the General Assembly shall provide by public general law a choice of procedures by which an instrument of government of a county may be proposed. An instrument of government shall be submitted for adoption by the affirmative vote of a majority of the voters of the county voting thereon. The General Assembly shall provide by law an instrument of government which shall become effective on July 1, 1972, for those counties which have not previously adopted an instrument of government as provided in this section. The charter adopted by any county prior to July 1, 1972, shall be without further act, the instrument of government for that county. Other county governments existing at the effective date of this Constitution shall continue until changed pursuant to this Constitution.

Section 7.04. Change of Structure of County Government.

An amendment to an instrument of government of a county shall become effective only after the affirmative vote of a majority of the voters of the county voting on the amendment. An amendment may be proposed by the governing body, or by petition of the voters in accordance with the instrument of government, or by such additional means as may be provided in the instrument of government or by the General Assembly by public general law.

Section 7.05. Powers of Counties.

A county may exercise any power, other than judicial power and power to tax, or perform any function which (1) has not been denied to it by this Constitution or by its instrument of government; (2) has not been transferred exclusively to another governmental unit; and (3) has not been denied to it by a public general law. A county may exercise such tax powers as may be granted to it by law, and may continue to exercise any tax powers granted to it prior to the effective date of this Article, unless any of these powers are subsequently denied to it by law.

PUBLIC GENERAL LAWS

Section 7.06. General Application of Laws.

Except as otherwise provided in this Constitution and except with respect to appropriations and laws providing for and regulating the powers of departments, agencies or instrumentalities of the State performing a state and not a local function, the General Assembly shall enact no public local laws and shall enact only public general laws, which are defined as laws which in their terms and effects apply throughout the State. The General Assembly may nevertheless enable any county or counties to exercise any power or perform any function denied to other counties, subject to such standards as the General Assembly may prescribe. No county shall be exempt from a public general law.

MUNICIPAL CORPORATIONS AND CIVIL UNITS

Section 7.07. Existing Municipal Corporations.

Municipal corporations existing at the effective date of this Article may not be dissolved, merged, or have their existing powers withdrawn or their boundaries changed without the consent of the governing bodies of the county and the municipal corporations affected, or except as the General Assembly may provide by public general law.

Section 7.08. New Municipal Corporations and Civil Units.

A county may provide by law for the creation of new municipal corporations and civil units and may by law grant to and withdraw from them any and all powers of the county, subject only to such procedures and standards as the General Assembly may provide by public general law.

Section 7.09. Additional Powers of Municipal Corporations.

The General Assembly by public general law and a county by law may grant additional powers to municipal corporations, and the granting authority may withdraw such powers.

MULTI-COUNTY GOVERNMENTS

Section 7.10. Establishment of Multi-County Governmental Units.

The General Assembly may provide by law for the establishment, powers, change, merger, dissolution and alteration of boundaries of multi-county governmental units, intergovernmental authorities, popularly elected representative regional governments, and other units of local government, but excluding municipal corporations and civil units. The General Assembly may provide referenda for any law establishing a popularly elected representative regional government or affecting its powers.

Section 7.11. Financing of Intergovernmental Authorities.

The General Assembly or a popularly elected representative local government may by law grant to intergovernmental authorities the power to impose and to collect service or benefit charges, to borrow money and to collect taxes imposed by the General Assembly or by the popularly elected representative local government, but may not grant the power to impose taxes.

CREDIT LIMITATIONS

Section 7.12. Credit Limitations of Local Governments.

Subject to such restrictions as may be provided by law, the assets or credit of a unit of local government may not be given or loaned to any individual, association, or corporation unless a public purpose will be served thereby. The act of the governing body making the gift or loan shall state the public purpose to be served and no gift of credit or loan of credit or loan of assets shall be made without the consent of threefifths of the members of the governing body.

ARTICLE VIII. GENERAL PROVISIONS

INTERGOVERNMENTAL COOPERATION

Section 8.06. Intergovernmental Cooperation and Agreements.

Any governmental unit, except as limited by law, may cooperate or agree with one or more other governmental units, whether within or outside the boundaries of the State, including the Federal and State Governments, for the exercise of any of its functions and powers.

Delegate Powers, duly seconded, moved that the Committee of the Whole Rise and report to the Convention that it had completed its consideration of Committee Recommendation GP-3 and is now considering Committee Recommendation LG-1.

SAID MOTION PREVAILED BY YEAS AND NAYS.

At 12:28 P.M. the Convention resumed its session.

The President reported to the Convention that the Committee of the Whole had concluded its consideration of Committee Recommendation GP-3 and approved the same.

THE PRESIDENT REFERRED COMMITTEE RECOMMENDATION GP-3 TO THE COMMITTEE ON STYLE, DRAFTING AND ARRANGEMENT.

The President also reported that the Committee of the Whole was considering Committee Recommendation No. LG-1.

At 12:30 o'clock P.M., on motion of Mr. Powers, the Convention took a recess until 2:00 o'clock P.M.

The Convention resumed its session at 2:00 P.M.

Present at roll call were the following delegates:

President, Tawes, Clark J., Anderson, Armor, Bamberger, Bard, Beachley, Beall, Borom, Bothe, Boyer, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Dorsey, Dukes, Eckenrode, Finch, Fox, Freedlander, Gallagher, Gilchrist, Gill, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Harkness, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Malkus, Marion, Mason, Mentzer, Miller B., Miller E.T., Mitchell, Moser, Mosner, Mudd, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Smith*, Pascal, Penniman, Peters, Powers, Pullen, Raley, Robie K.L., Rollins, Rosenstock, Schloeder, Schneider, Sherbow, Siewierski, Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Wagandt, Webb, Ritter, Weidemeyer, White, Willis, Willoner, Winslow. Total--109
*A.W.,

REPORTS OF OTHER STANDING COMMITTEES

Committee Recommendation No. EB-1

Mr. Morgan, Chairman of the Committee on the Executive Branch, reported on Committee Recommendation No. EB-1.

A RECOMMENDATION that the Constitution include Article IV, Sections 4.01 to 4.26, establishing the Executive Branch of the State Government including executive power; election of Lieutenant Governor; organization of the Executive Branch; Heads of Principle Departments and Executive Clemency.

WHICH WAS READ AND REFERRED TO THE COMMITTEE OF THE WHOLE.

Committee Memorandum No. EB-1 -- Mr. Morgan, Chairman of the Committee on the Executive Branch, offered in support of Committee Recommendation No. EB-1 Committee Memorandum No. EB-1.

MOTIONS AND RESOLUTIONS

Resolution No. 20 -- By Delegate Wheatley.

Rule 54A. Amendments on Third Reading. No amendment previously offered, or substantially the same as an amendment previously offered, may be offered on third reading without having first obtained special leave of the Convention by the affirmative vote of a majority of those present and voting.

WHICH WAS READ THE FIRST TIME AND REFERRED TO THE COMMITTEE ON RULES, CREDENTIALS AND CONVENTION BUDGET.

At 2:07 o'clock P. M. Delegate Powers moved, duly seconded, that the Convention resolve itself into the Committee of the Whole to consider the General Orders of the Day and to adopt Debate Schedule No. 4.

Debate Schedule No. 4

For Debate of Committee Recommendation No. JB-1.

There will be no general debate. Thirty (30) minutes will be allowed for general presentation of the Committee Report, and thirty (30) minutes for general presentation of Minority Report JB-1. Thereafter, the Committee Recommendation will be presented in four divisions: I. Court Structure; II. Judicial Selection, Tenure and Removal; III. Administration and Rule-Making Power; and, IV. Miscellaneous. After the presentation of the Committee Recommendation and Minority Report to each division, the Committee Recommendation in that division will be open to debate and amendment, section-by-section, no speech exceeding three (3) minutes (except as otherwise provided).

WHICH WAS READ AND ADOPTED.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

COMMITTEE OF THE WHOLE -- GENERAL ORDERS OF THE DAY

Mr. Moser continued his report on Committee Recommendation No. G-1. At 5:30 o'clock P. M. Amendment No. 1 was offered from the floor. The amendment was duly seconded.

On page 4, in line 42 of Section 7.10, "Multi-County Governments" strike out the word "may" and insert in lieu thereof the word "shall."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Anderson, Baumann, Caldwell, Cardin, Fornos, Hopkins, Hostetter, Hutchinson, Murray, D.S., Murray, E.C., Pascal, Robie, K.L., Rollins, Rush, Schloeder, Sosnowski, Sybert, Webb, Webster, Weidemeyer. Total--20

Not Voting

Delegates--

Tawes, Clark, J., Barrick, Beall, Bennett, Borom, Boyce, Bushong, Carson, Case, Child, Clarke, E.J., Cleveland, Darby, Della, Dorsey, Dukes, Finch, Frederick, Gleason, Key, Leitzel, Malkus, Miller, E.T., Murphy, Peters, Price, Pullen, Rybczynski, Vecera, Wheatley, Willis. Total--32

Negative

Delegates--

President, James, Abramson, Adkins, Armor, Bamberger, Bard, Beachley, Blair, Boileau, Bothe, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Chabot, Cicone, Clagett, Dabrowski, Dulany, Eckenrode, Fox, Freedlander, Gallagher, Gilchrist, Gill, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Jett, Johnson, Kahl, Kiefer, Kirkland, Koger, Kosakowski, Koss, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller, B., Mitchell, Morgan, Moser, Mosner, Mudd, Needle, Neilson, Neumann, Smith, Penniman, Powers, Raley, Robey, F.C., Rosenstock, Scanlan, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith, J.H., Smith, M.H., Sollins, Soul, Stern, Storm, Taylor, H.E., Taylor, L., Ulrich, Wagandt, White, Willoner, Winslow. Total--90

Mr. Powers duly seconded, moved that the Committee of the Whole rise and report to the Convention that the Committee has under consideration Committee Recommendation LG-1.

At 6:08 P.M. the Convention resumed its session.

The President reported to the Convention that the Committee of the Whole has under consideration Committee Recommendation LG-1.

At 6:15 o'clock P.M. the Convention adjourned until Wednesday, Nov. 15, 1967 at 10:00 A.M.

CONSTITUTIONAL CONVENTION OF MARYLAND
JOURNAL OF PROCEEDINGS

Annapolis, Maryland
Wednesday, Nov. 15, 1967

The Convention met at 10:00 o'clock A.M.

Invocation was offered by Rev. Carroll Yingling, St. Mark's Methodist Church, Baltimore, Maryland.

Present at roll call were the following delegates:

President, Tawes, Clark J., James, Abramson, Adkins,
Anderson, Armor, Bamberger, Bard, Barrick, Baumann,
Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe,
Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette,
Burgess, Bushong, Buzzell, Byrnes, Caldwell, Cardin,
Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E.J.,
Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode,
Finch, Fornos, Fox, Frederick, Freedlander, Gallagher,
Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher,
Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris,
Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett,
Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski,
Koss, Leitzel, Linton, Lord, Macdonald, Malkus, Marion,
Mason, Maurer, Mentzer, Miller B., Miller E.T., Mitchell,
Morgan, Moser, Mosner, Mudd, Murphy, Murray D.S., Murray E.C.,
Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers,
Price, Pullen, Raley, Ritter, Robey F.C., Robie K.L.,
Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder,
Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W.,
Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern,
Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera,
Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner,
Winslow. Total - 141

REPORT OF COMMITTEE ON CALENDAR AND AGENDA

Mr. Powers, Chairman of the Committee on Calendar and Agenda, reported the daily calendar and agenda.

WHICH WAS READ AND ADOPTED BY VOICE VOTE.

REPORTS OF OTHER STANDING COMMITTEES

Report of the Committee of the Whole No. 4

This Report Covers Matters In: General Order No. 3, Committee Recommendation No. LB-1, Delegate Proposal No's. 3, 12, 33, 48, 54, 63, 64, 67, 73, 74, 82, 83, 110, 125, 138, 139, 148, 162, 215, 224, 235, 239, 264, 278, 281, 294, 304, 326, 340, 350, 365, 378, 388.

* * *

The Committee of the Whole has considered Committee Recommendation No. LB-1 and has approved it with amendments as indicated in the attachment to this Report. (see below)

A RECOMMENDATION that portions of Article III of the new Constitution dealing with the Legislative Branch provide for a bicameral legislature, single member districts in both the Senate and the House of Delegates, a limit on the Senate of 35 40 members and a limit on the House of 105 120 members, a legislative session lasting 90 days, a legislative term of four years, and other legislative matters, to read as follows:

Section 3.01. Legislative Power

The legislative power of the State is vested in the General Assembly, which shall consist of two houses, the Senate and the House of Delegates.

Section 3.04. Composition of the Legislature

The number of members of each house of the Legislature shall be as prescribed by law, but the number of delegates shall not exceed one hundred five one hundred twenty and the number of senators shall be one-third the number of delegates. Each delegate shall represent one delegate district and each senator shall represent one senate district. Each senate district shall be composed of three whole delegate districts.

Section 3.05. Qualifications of Legislators

To be eligible as a senator or delegate, a person shall be a qualified voter of the State of Maryland at the time of his election or appointment, shall have been a resident of the State for at least two years immediately preceding his election or appointment, and shall have been a resident of his senate district for at least six months immediately preceding his election or appointment. If, however, a redistricting plan for senate districts has been adopted within one year before a general election for the General Assembly, he shall be eligible in that general election to run either in the senate district in which he resides or in any other senate district containing fifty percent or more of the population of the senate district in which he

resided prior to redistricting. To be eligible as a senator, a person shall have attained the age of twenty-five years, and, to be eligible as a delegate, he shall have attained the age of twenty-one years, at the time of his election or appointment.

Section 3.06. Election of Legislators

A member of the General Assembly shall be elected by the qualified voters of the legislative district from which he seeks election, to serve for a term of four years beginning on the second Wednesday of December following his election to serve for a term beginning at noon on the second Wednesday of December following his election and ending at noon on the second Wednesday of December in the Fourth year thereafter.

Section 3.12. Legislative Sessions

The General Assembly may provide by law for an organization session prior to the convening of the regular session. The General Assembly shall convene in regular session on the third Wednesday of January of each year, unless otherwise prescribed by law, and may continue in session for a period not longer than ninety days; provided that by the affirmative vote of a majority of the members of each house a session may be extended for a period not longer than thirty days, and that by the affirmative vote of three-fifths of the members of each house a session may be extended a second time for a period not longer than thirty days. The governor may convene a special session of the General Assembly at any time and must convene a special session upon the written request of three-fifths of all the members of each house. The presiding officer of the House of Delegates and the presiding officer of the Senate, acting concurrently, may convene a special session of the General Assembly.

Section 3.08. Compensation of Legislators

The members of the General Assembly shall receive such salary and allowances as may be prescribed by law. Increases in salary shall not apply to the General Assembly which enacted them. No senator or delegate shall be paid daily living expenses during regular sessions of the General Assembly.

WHICH WAS READ AND REFERRED TO THE COMMITTEE ON STYLE, DRAFTING AND ARRANGEMENT.

Mr. Scanlan, Chairman of the Committee on Rules, Credentials & Convention Budget, offered the 13th Report of the Committee on Rules Credentials & Convention Budget.

* * *

On November 10, 1967, three delegates introduced Motion No.6. It proposes that Rule 36 of the Standing Rules of the Convention be amended by adding a new last sentence at the end of that Rule to read:

"No delegate shall speak more than twice on the same motion pending before the Committee of the Whole except committee chairmen making their report, chairmen of minority reports, or by the unanimous consent of the Committee."

At the present time Rule 36 provides, in part, that: "A delegate may speak more than once in the Committee of the Whole."

Rule 36 is applicable only to the Committee of the Whole. Convention Rule 20 controls the times a delegate may speak in the Convention and limits a delegate from speaking more than once on the same question without leave of a majority of those present and voting. However, the mover of the matter pending, and the chairman of the committee that reported the matter, are privileged to speak twice under Rule 20.

The proceedings of the Committee of the Whole over the last week suggest the desirability of placing in Rule 36 the same limitation already imposed in the Convention by Rule 20. During the debate on the Legislative Article and on the Referendum, a number of delegates spoke three, four, and even five times, on the same pending matter. There is no justification for such unlicensed debate in view of the statutory time deadline which confronts the Convention. Under the proposed amendment to Rule 36, each delegate would have the opportunity to speak twice on a pending matter. That should suffice.

* * *

CONCLUSION AND RECOMMENDATIONS

The Committee on Rules, Credentials and Convention Budget reports Motion No. 6 favorably, except that it recommends that the limitation contained in Motion No. 6 not be made an amendment to Rule 36, but that it be specifically incorporated in all future debate schedules recommended by the Committee on Calendar and Agenda. The Committee on Rules, Credentials and Convention Budget further recommends that the Committee on Calendar and Agenda impose more stringent limitations on the time allotted for debate, not only with respect to the controlled and uncontrolled time proposed for a particular matter, but especially with respect to the time permitted in debating amendments offered from the floor.

WHICH WAS READ AND REFERRED TO THE COMMITTEE ON CALENDAR AND AGENDA.

10:10 P.M. Delegate Powers, duly seconded, moved that the Convention resolve itself into a Committee of the Whole to consider the General Orders of the Day under debate schedule No's. 3 & 4.

SAID MOTION PREVAILED BY YEAS AND NAYS BY VOICE VOTE.

COMMITTEE OF THE WHOLE GENERAL ORDERS OF THE DAY

Mr. Eney presided.

The Committee continued its consideration of Committee Recommendation LG-1.

Amendment No. 2, To Committee Recommendation No. LG-1, By Delegate Case from the floor.

On page 4 Section 7.10 Establishment of Multi-County Governmental Units strike out all of lines 42 through 45 and insert in lieu thereof the following:

"The General Assembly may provide referenda for any law establishing, affecting the powers of, or dissolving popularly elected representative regional governments, or the creation or alteration of their boundaries."

The amendment was duly seconded.

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

President, Clark, J., James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Boileau, Borom, Boyce, Boyer, Bradshaw, Bryson, Burdette, Bushong, Buzzell, Byrnes, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Dorsey, Dukes, Dulany, Eckenrode, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Grant, Grumbacher, Gullett, Hanson, Hardwicke, Harkness, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Johnson, Kahl, Kirkland, Kosakowski, Koss, Leitzel, Linton, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Morgan, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Raley, Ritter, Robey F.C., Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Sherbow, Siewierski, Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, White, Willis, Willoner, Winslow.

Total-- 109

Negative

None

. Not Voting

Delegates--

Tawes, Bennett, Blair, Bothe, Boyles, Burgess, Caldwell, Cleveland, Della, Finch, Fornos, Gill, Gleason, Groh, Hargrove, Harris, Jett, Key, Kiefer, Koger, Lord, Malkus, Miller, E.T., Mitchell, Moser, Price, Pullen, Scanlan, Schloeder, Schneider, Sickles, Singer, Wheatley.

Total--33

Amendment No. 3, To Committee Recommendation No. LG-1, By Delegate Wagandt from the floor.

On page 4 Section 7.10 Establishment of Multi-County Governmental Units strike out all of lines 37 through 41 and insert in lieu thereof the following:

"of multi-county governmental units, including intergovernmental authorities and popularly elected representative regional governments, but excluding municipal corporations."

The amendment was duly seconded.

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

President, Tawes, Clark J., Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Borom, Bothe, Boyce, Boyer, Bradshaw, Bryson, Burdette, Bushong, Buzzell, Byrnes, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Dorsey, Dukes, Dulany, Eckenrode, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Grant, Grumbacher, Gullett, Hanson, Hardwicke, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Kiefer, Kirkland, Kosakowski, Koss, Leitzel, Linton, MacDonald, Marion, Maurer, Mentzer, Miller B., Morgan, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Pullen, Raley, Robey F.C., Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J. H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow. Total-- 116

Negative

None

Not Voting

Delegates--

James, Bennett, Blair, Boileau, Boyles, Burgess, Caldwell, Cleveland, Della, Finch, Gill, Gleason, Groh, Hargrove, Key, Koger, Lord, Malkus, Mason, Miller E.T., Mitchell, Moser, Price, Ritter, Scanlan, Schloeder. Total-- 26

Delegate Sybert, duly seconded, moved to reconsider the vote by which Amendment #2 was adopted.

SAID MOTION PREVAILED BY YEAS AND NAYS BY VOICE VOTE.

Delegate Sybert then offered from the floor Amendment #4 as a substitute for Amendment #2.

Delegate Sybert, duly seconded, moved to substitute Amendment #4 for Amendment #2.

Amendment No. 4, to Committee Recommendation No. LG-1, by Delegate Sybert from the floor.

On page 4 Section 7.10 Establishment of Multi-County Governmental Units, strike out all of lines 42 through 45 and insert in lieu thereof the following:

"No law providing for the establishment or alteration of boundaries of multi-county governmental units shall become effective until submitted to the voters of each county affected and approved by a majority of those voting on the question in each such county."

The amendment was duly seconded.

SAID MOTION FAILED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Clark J., Anderson, Bushong, Buzzell, Caldwell, Cardin, Dabrowski, Darby, Della, Dorsey, Dukes, Fornos, Harkness, Hickman, Hopkins, Hostetter, Hutchinson, Kirkland, Leitzel, Linton, Murray E.C., Pascal, Peters, Price, Pullen, Ritter, Robie K.L., Rollins, Rosenstock, Rush, Sosnowski, Stern, Storm, Sybert, Vecera, Webb, Weidemeyer, Willis.

Total--38

Negative

Delegates--

President, Tawes, James, Abramson, Adkins, Armor, Bamberger, Bard, Barrick, Beachley, Boileau, Borom, Bothe, Boyce, Boyer, Bradshaw, Bryson, Burdette, Byrnes, Carson, Chabot, Child, Cicone, Clagett, Clarke E.J., Dulany, Eckenrode, Fox, Frederick, Freeland, Gallagher, Gilchrist, Gill, Grant, Grumbacher, Gullett, Hanson, Hardwicke, Harris, Henderson, Jett, Johnson, Kahl, Key, Kosakowski, Koss, Lord, Macdonald, Marion, Maurer, Mentzer, Miller B., Morgan, Moser, Mosner, Mudd, Murray D.S., Needle, Neilson, Neumann, Penniman, Powers, Raley, Robey F.C., Rybczynski, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith P.W., Smith J.H., Smith M.H., Sollins, Soul, Taylor H.E., Taylor L., Wagandt, Wheatley, Willoner, Winslow.

Total--82

Not Voting

Delegates--

Baumann, Beall, Bennett, Blair, Boyles, Burgess, Case, Cleveland, Finch, Gleason, Groh, Hargrove, Kiefer, Koger, Malkus, Mason, Miller E.T., Mitchell, Murphy, Scanlan, Ulrich, White.

Total--22

Amendment No. 2, to Committee Recommendation No. LG-1, by Delegate Case.

* * *

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

President, Tawes, Clark J., James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Boileau, Borom, Bothe, Boyce, Boyer, Bradshaw, Bryson, Burdette, Bushong, Buzzell, Byrnes, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Grant, Grumbacher, Gullett, Hanson, Hardwicke, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Kirkland, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Morgan, Moser, Mosner, Mudd, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Ritter, Robey F.C., Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith*, Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total--123

* A.W.,

Negative

None

Not Voting

Delegates

Beall, Bennett, Blair, Boyles, Burgess, Caldwell, Cleveland, Finch, Gleason, Groh, Hargrove, Key, Kiefer, Koger, Malkus, Miller E.T., Mitchell, Murphy, Scanlan.

Total--19

Amendment No. 5, to Committee Recommendation No. LG-1, by Delegate Kirkland from the floor.

On page 4 strike out all of lines 31 through 45, Section 7.10 Establishment of Multi-County Governmental Units.

The amendment was duly seconded.

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Caldwell, Dorsey, Dukes, Fornos, Hostetter, Hutchinson, Kirkland, Ritter, Sosnowski, Sybert, Webb.

Total--11

Negative

Delegates--

President, Tawes, Abramson, Adkins, Armor, Bamberger, Bard, Barrick, Beachley, Beall, Bennett, Blair, Boyce, Boyer, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Dabrowski, Della, Dulany, Eckenrode, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Grant, Grumbacher, Hanson, Hardwicke, Hargrove, Harris, Henderson, Hickman, Hopkins, Jett, Johnson, Kahl, Key, Koss, Leitzel, Linton, Macdonald, Marion, Mason, Mentzer, Morgan, Moser, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Penniman, Peters, Powers, Price, Pullen, Raley, Robey F.C., Robie K.L., Rollins, Rosenstock, Rush Rybczynski, Schloeder, Schneider, Sherbow, Sickles, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Soul, Stern, Sterm, Taylor H.E., Ulrich, Wagandt, Willis, Willoner, Winslow.

Total--96

Not Voting

Delegates--

Clark J., James, Anderson, Baumann, Boileau, Borom, Bothe, Boyles, Burge~~s~~, Bushong, Clarke E.J., Cleveland, Darby, Finch, Gleason, Groh, Gullett, Harkness, Kiefer, Koger, Kosakowski, Lord, Malkus, Maurer, Miller B., Miller E.T., Mitchell, Pascal, Scanlan, Siewierski, Taylor L., Vecera, Weidemeyer, Wheatley, White.

Total-35

Amendment No. 6, to Committee Recommendation No. LG-1, by Delegate Needle from the floor.

On page 3, Section 7.05 Powers of Counties, line 14, strike out the words "and power to tax"; and

On page 3, line 25, after the period, add the following:

"The governing body of a county may also request the authority to exercise any taxing power by a resolution submitted to the

General Assembly before the beginning of a regular session in accordance with the procedures established by law. The county may exercise this power if, by the end of the regular session, the General Assembly has not rejected the resolution."

The amendment was duly seconded.

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Delegates--	Affirmative
Bard, Bothe, Clagett, Clarke E.J., Dabrowski, Hanson, Macdonald, Mentzer, Needle, Taylor L.,	
	Total--10

Delegates--	Negative
President, Clark J., James, Abramson, Adkins, Anderson, Armor, Bamberger, Barrick, Baumann, Beachley, Bennett, Blair, Boileau, Borom, Boyce, Bradshaw, Bryson, Burdette, Bushong, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Della, Dorsey, Dukes, Dulany, Eckenrode, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Grumbacher, Gullett, Hargrove, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kirkland, Koss, Litzel, Linton, Lord, Marion, Mason, Maurer, Miller B., Morgan, Moser, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Ritter, Robey F.C., Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Vecera, Webb, Weidemeyer, Wheatley, Willis, Willoner.	
	Total--108

Delegates--	Not Voting
Tawes, Beall, Boyer, Boyles, Burgess, Cleveland, Darby, Finch, Gleason, Grant, Groh, Hardwicke, Harkness, Kiefer, Koger, Kosakowski, Malkus, Miller E.T., Mitchell, Scanlan, Ulrich, Wagandt, White, Winslow.	
	Total--24

Amendment No. 7 to Committee Recommendation No. LG-1, by Delegate Needle from the floor.

On page 3 Section 7.05 Powers of Counties line 14 strike out the words "and power to tax"; and

On page 3, line 25, after the period, add the following:

"A county may also exercise any taxing power requested by a resolution submitted by the governing body of the county and approved by the General Assembly in accordance with procedures established by law."

The amendment was duly seconded.

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Bennett, Bothe, Bushong, Clagett, Dabrowski, Hanson, Hardwicke, Harkness, Macdonald, Mentzer, Miller B., Needle, Pascal, Sollins, Sosnowski, Taylor L., Winslow. Total--17

Negative

Delegates--

President, Tawes, Clark J., James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Blair, Borom, Boyce, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Caldwell, Carson, Case, Chabot, Child, Cicone, Clarke E.J., Della, Dorsey, Dukes, Dulany, Eckenrode, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Grumbacher, Gullett, Hargrove, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Litzel, Linton, Lord, Marion, Mason, Maurer, Morgan, Moser, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Neilson, Neumann, Penniman, Peters, Powers, Price, Pullen, Raley, Ritter, Robey F.C., Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Schloeder, Schneider, Sherbow, Sickles, Singer, Smith A., Smith J.H., Smith M.H., Soul, Stern, Storm, Sybert, Taylor H.E., Vecera, Wagandt, Webb, Weidemeyer, Wheatley, Willoner. Total--103

Not Voting

Delegates--

Boileau, Boyer, Boyles, Burgess, Cardin, Cleveland, Darby, Finch, Gleason, Grant, Groh, Koger, Kosakowski, Koss, Malkus, Miller E.T., Mitchell, Scanlan, Siewierski, Ulrich, White, Willis. Total--22

Amendment No. 8, to Committee Recommendation No. LG-1, by Delegate James from the floor.

Strike out Sections 7.07, 7.08, and 7.09 and insert in lieu thereof the following:

"Section 7.07 Municipal Corporations

The General Assembly shall provide by general law for the government of municipal corporations, including the incorporation,

merger, dissolution, and alteration of boundaries thereof; and it shall permit each municipal corporation to frame and adopt a charter, with amendment procedures, for its own self-government within the limits and by procedures defined by the general law. Municipal corporations existing on the effective date of this Constitution shall retain their charter and other legal powers until changed pursuant to the provisions of this section.

The amendment was duly seconded.

Amendment No. 9, offered as a substitute for Amendment #8, to Committee Recommendation No. LG-1, by Delegate Macdonald from the floor.

On pages 3 and 4 of Committee Recommendation No. LG-1 strike out all of Sections 7.07, 7.08 and 7.09 starting on page 3, line 50, and extending through page 4, line 27, and insert in lieu thereof the following:

Section 7.07 Municipal Corporations.

"A county by law may establish, merge and dissolve municipal corporations within the county, may alter their boundaries, and may grant and withdraw from them any and all powers of the county. No municipal corporation existing at the effective date of this Article may be dissolved, have its boundaries diminished or have withdrawn any of its existing powers as set forth in its charter, without the consent of its governing body or the consent of the General Assembly by public general law."

The amendment was duly seconded.

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Delegates--	Affirmative
Anderson, Boyer, Bradshaw, Caldwell, Fornos, Grumbacher, Hardwicke, Harkness, Henderson, Koss, Macdonald, Mentzer, Miller.B., Neilson, Ulrich, Winslow.	

Total--16

Delegates--	Negative
President, Tawes, Clark J., James, Abramson, Adkins, Armor, Bamberger, Bard, Barrick, Beachley, Beall, Bennett, Boileau, Borom, Bothe, Boyce, Bryson, Burdette, Buzzell, Byrnes, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Della, Dorsey, Dukes, Dulanv, Eckenrode, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Grant, Gullett, Hanson, Hargrove, Harris, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Kahl, Key, Kiefer, Kosakowski, Litzel, Linton,	

Lord, Marion, Mason, Maurer, Morgan, Moser, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Needle, Neumann, Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Ritter, Robie K.L., Rollins, Rosenstock, Rybczynski, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Wagandt, Webb, Weidemeyer, White, Willis, Willoner.

Total--105

Not Voting

Baumann, Blair, Boyles, Burgess, Bushong, Cleveland, Finch, Gleason, Groh, Johnson, Kirkland, Koger, Malkus, Miller E.T., Mitchell, Robey F.C., Rush, Scanlan, Taylor L., Vecera, Wheatley.

Total--21

Amendment No. 8, to Committee Recommendation No. LG-1, by
Delegate James

* * *

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS
FOLLOWS:

Affirmative

Delegates--

James, Boyer, Bradshaw, Bushong, Buzzell, Darby, Della, Dorsey, Hardwicke, Hostetter, Ritter, Sosnowski, Taylor, L., Webb, Willis.

Total--15

Negative

Delegates--

President, Tawes, Clark J., Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Beachley, Beall, Bennett, Boileau, Borom, Bothe, Boyce, Bryson, Burdette, Byrnes, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Dukes, Dulany, Eckenrode, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Grant, Grumbacher, Gullett, Hanson, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hutchinson, Jett, Kahl, Key, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Morgan, Moser, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Robie K.L., Rollins, Rosenstock, Rybczynski, Schloeder, Schneider, Sherbow, Sickles, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Soul, Stern, Storm, Taylor, H.E., Ulrich, Wagandt, Weidemeyer, Wheatley, White, Willoner, Winslow.

Total--105

Not Voting

Delegates--

Baumann, Blair, Boyles, Burgess, Caldwell, Cleveland, Finch,

Gleason, Groh, Johnson, Kiefer, Kirkland, Koger, Malkus,
Miller E.T., Mitchell, Robey F.C., Rush, Scanlan, Siewierski,
Sybert, Vecera.

Total--22

Amendment No. 10, to Committee Recommendation No. LG-1, by
Delegate Case from the floor.

On page 5 Section 7.11 Financing of Intergovernmental
Authorities line 8, after the word "taxes" add the following:

"unless the intergovernmental authority is governed by
the elected representatives of the people."

The amendment was duly seconded.

Delegate Clagett, duly seconded, moved to insert the word
"popularly" in line 6 before the word "elected", and in line 7
after the word "people" add the words "to that intergovernmental
authority".

SAID MOTION PREVAILED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

President, Tawes, Clark J., Adkins, Anderson, Bamberger, Bard,
Barrick, Beachley, Beali, Bennett, Boileau, Borom, Bothe, Boyce,
Bradshaw, Bryson, Burdette, Byrnes, Caldwell, Cardin, Carson,
Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski,
Dorsey, Dulany, Eckenrode, Fox, Frederick, Freedlander, Gallagher,
Gill, Grant, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove,
Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter,
Hutchinson, Jett, Johnson, Kahl, Key, Kirkland, Kosakowski,
Leitzel, Marion, Mason, Maurer, Mentzer, Miller B., Morgan,
Moser, Mosner, Mudd, Murray D.S., Needle, Neilson, Pascal,
Penniman, Price, Pullen, Ritter, Robey F.C., Robie K.L.,
Rosenstock, Rush, Rybczynski, Schloeder, Sickles, Siewierski,
Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski,
Soul, Stern, Storm, Taylor H.L., Taylor L., Ulrich, Waqandt,
Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total--101

Negative

Delegates--

Abramson, Boyer, Bushong, Darby, Gilchrist, Linton, Lord,
Macdonald, Murray E.C., Peters, Powers, Rollins, Sherbow,
Smith J.H., Sybert.

Total--15

Not Voting

Delegates--

Armor, Baumann, Blair, Boyles, Burgess, Buzzell, Case, Cleveland,
Della, Dukes, Finch, Fornos, Gleason, Groh, Kiefer, Koger, Koss,
Malkus, Miller E.T., Mitchell, Murphy, Neumann, Raley, Scanlan,
Schneider, Vecera.

Total-26

Amendment No. 10 as amended now reads: "unless the intergovernmental authority is governed by the popularly elected representatives of the people to that intergovernmental authority."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Tawes, Clark J., Adkins, Anderson, Armor, Beachley, Beall, Boyce, Boyer, Bushong, Buzzell, Case, Dabrowski, Darby, Dorsey, Dukes, Eckenrode, Gilchrist, Grant, Grumbacher, Hargrove, Harris, Hopkins, Johnson, Kiefer, Kirkland, Kosakowski, Lord, Macdonald, Morgan, Moser, Mudd, Peters, Raley, Ritter, Rollins, Sherbow, Siewierski, Smith J.H., Sosnowski, Stern, Sybert, Taylor L., Willis.

Total--44

Negative

Delegates--

President, James, Bamberger, Bard, Barrick, Bennett, Boileau, Borom, Bothe, Bradshaw, Bryson, Burdette, Byrnes, Caldwell, Carson, Chabot, Child, Cicone, Clagett, Clarke E.J., Dulany, Fox, Freedlander, Gallagher, Gullett, Hanson, Hardwicke, Harkness, Henderson, Hickman, Hostetter, Hutchinson, Jett, Kahl, Key, Koss, Leitzel, Linton, Malkus, Marion, Mason, Maurer, Mentzer, Miller B., Mosner, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Pascal, Penniman, Powers, Price, Pullen, Robey F.C., Robie K.L., Rosenstock, Rush, Rybczynski, Schloeder, Sickles, Singer, Smith A.W., Smith M.H., Sollins, Soul, Storm, Taylor H.E., Ulrich, Wagandt, Webb, Weidemeyer, Wheatley, White, Willoner, Winslow.

Total--77

Not Voting

Delegates--

Abramson, Baumann, Blair, Boyles, Burgess, Cardin, Cleveland, Della, Finch, Fornos, Frederick, Gill, Gleason, Groh, Koger, Miller E.T., Mitchell, Murphy, Scanlan, Schneider, Vecera.

Total--21

There being no more amendments, the Chairman put the question on the adoption of Committee Recommendation LG-1 as amended.

COMMITTEE RECOMMENDATION LG-1 AS AMENDED WAS ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

President, Tawes, Clark J., James, Adkins, Anderson, Armor, Bard, Barrick, Beachley, Beall, Bennett, Boileau, Borom, Bothe, Boyce, Boyer, Bradshaw, Bryson, Burdette, Bushong, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone,

Clagett, Clarke, E.J., Dabrowski, Dukes, Dulany, Eckenrode, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Grant, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Malkus, Marion, Mason, Mentzer, Miller, B., Morgan, Moser, Mosner, Mudd, Murray, D.S., Murray, E.C., Needle, Neilson, Neumann, Penniman, Peters, Powers, Price, Pullen, Raley, Ritter, Robey, F.C., Robie, K.L., Rollins, Rosenstock, Rush, Rybczynski, Schloeder, Sherbow, Sickles, Siewierski, Singer, Smith, A., Smith, J.H., Smith, M.H., Sollins, Soul, Stern, Storm, Sybert, Taylor, H.E., Ulrich, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total--117

Negative

Delegates--

Baumann, Darby, Dorsey, Kirkland, Maurer, Pascal, Sosnowski

Total--7

Not Voting

Delegates--

Abramson, Bamberger, Blair, Boyles, Burgess, Cleveland, Della, Finch, Fornos, Gleason, Groh, Miller, E.T., Mitchell, Murphy, Scanlan, Schneider, Taylor, L., Vecera.

Total--18

Delegate Powers, duly seconded, moved that the committee rise and report to the Convention that the committee had concluded its consideration of Committee Recommendation LG-1 and adopted the report as amended.

SAID MOTION PREVAILED BY YEAS AND NAYS BY A VOICE VOTE.

At 1:08 P.M. the Convention resumed its session.

The President reported to the Convention that the Committee of the Whole had concluded its consideration of Committee Recommendation LG-1 and adopted the Committee Recommendation as amended.

The President referred Committee Recommendation LG-1 together with the amendments to the Committee on Style, Drafting and Arrangement.

At 1:10 P.M. on motion of Delegate Powers, the Convention took a recess until 2:30 P.M.

At 2:30 P.M. the Convention resumed its session. Present at roll call were the following delegates:

President, Tawes, Clark, J., James, Abramson, Adkins, Anderson, Armor, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Bradshaw, Bryson, Burdette,

Burgess, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Grumbacher, Gullett, Hanson, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Malkus, Marion, Mason, Mentzer, Miller B., Miller E.T., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Neilson, Neumann, Penniman, Peters, Powers, Pullen, Raley, Ritter, Robey F.C., Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total--128

REPORTS OF OTHER STANDING COMMITTEES

Report of the Committee of the Whole No. 5

This Report Covers Matters In: General Order No. 6, Committee Recommendation No. S&E-1, Delegate Proposal No's. 17, 55, 57, 61, 95, 164, 182, 293, 348, 362. In Part: 2, 51, 154.

* * *

The Committee of the Whole has considered Committee Recommendation No. S&E-1 and has approved it with amendments as indicated in the attachment to this Report. (as follows)

Committee Recommendation No. S&E-1 as amended by Committee of the Whole Nov. 13, 1967.

* * *

The Committee on Suffrage and Elections recommends that the Constitution include the following provision on Referendum:

1. The Power of Referendum. The people reserve to themselves the power known as The Referendum.

2. Legislation Subject to Referendum. Every law is subject to referendum except any law for legislative districting or apportionment or Congressional districting, any law imposing a tax, or any law making an appropriation for maintaining the State government, or for aiding or maintaining the State government or any public institution. ~~Special legislation~~ designated as such upon introduction and passed by a 3/5 vote of each House of the General Assembly is subject to referendum, but is not suspendable. All laws of the General Assembly subject to referendum shall be suspendable unless they contain a section declaring them to be emergency laws and necessary for the immediate preservation of the public health or safety, and passed by a 3/5 vote of each House of the General Assembly.

3. Manner of Referral. A petition is sufficient to refer a law to referendum if it is signed by a number of registered voters equal to 5% of the total number of votes cast for Governor in the most recent gubernatorial election. Not more than one-half of such required number shall be voters residing in any one county or Baltimore City. If within sixty days after the date of enactment the total number of required signatures is filed with the Governor or his designate, the law shall be submitted to referendum at the next general election held not less than four months after the date of enactment of such law.

4. Petition Provisions. A petition may consist of several papers, but each paper shall contain the full text of the law petitioned. There shall be attached to each paper an affidavit of the person procuring the signatures there on that of his own knowledge every signature thereon is genuine and bona fide, and that the signers are registered voters of the State of Maryland, and of the county or Baltimore City, as the case may be, as set opposite their names. No other verification shall be required.

5. Legislation Subject to Suspension.

a. If within thirty days after the date of enactment of a law, one-half of the total number of signatures required is filed with the Governor or his designate, the law shall stand suspended until sixty days after the date of enactment.

b. If the law has been so suspended and, if within sixty days after the date of enactment the total required number of signatures is filed with the Governor or his designate, the law shall continue to be suspended.

6. Effect of Referendum. If the referred law is rejected by a majority of those voting on the question, and the number of voters voting on that question is not less than one-fourth of the total number of voters voting at such election, the law shall stand repealed thirty days after rejection. If the law is not so repealed then

a. A law which has been suspended shall take effect thirty days after the referendum or as provided therein, whichever is later.

b. A law which has not been suspended shall remain in effect.

WHICH WAS READ AND REFERRED TO THE COMMITTEE ON STYLE,
DRAFTING AND ARRANGEMENT.

Mr. Richard Kiefer, Chairman of Committee on Personal Rights and the Preamble, offered Committee Recommendation No. R&P-1.

A Recommendation that the Constitution contain a Preamble followed by Article I, a Declaration of Rights.

* * *

WHICH WAS READ AND REFERRED TO THE COMMITTEE OF THE WHOLE.

At 2:40 P.M. on motion of Delegate Powers, duly seconded, the Convention resolved itself into a Committee of the Whole to consider the general orders of the day under debate schedule No.4 already approved.

COMMITTEE OF THE WHOLE
GENERAL ORDERS OF THE DAY

Consideration of Committee Recommendation JB-1

Mr. Mudd, Chairman Judicial Branch Committee reported on Committee Recommendation No. JB-1.

A recommendation that the Constitution contain an Article establishing the judicial Branch of the State Government, the Article to read as follows:

ARTICLE V. JUDICIAL BRANCH

Section 5.01. Judicial Power.

The judicial power of the State is vested exclusively in a unified judicial system composed of the Court of Appeals, the Intermediate Appellate Court, the Superior Court and the District Court.

THE COURT OF APPEALS

Section 5.02. Jurisdiction of Court of Appeals.

The Court of Appeals shall be the highest court of the State and shall have the appellate jurisdiction prescribed by law and the original jurisdiction prescribed by this Constitution.

Section 5.03. Composition of Court of Appeals.

The Court of Appeals shall be composed of seven judges, one of whom shall serve as chief judge. Five judges shall constitute a quorum, and the concurrence of four shall be necessary for the decision of a case.

Section 5.04. Chief Judge of the Court of Appeals.

The governor shall fill a vacancy in the office of chief judge of the Court of Appeals by designating one of the judges of the Court of Appeals to be chief judge for the remainder of his service on the court, or until he resigns the office of chief judge. The associate judge senior in service on the Court of Appeals shall have the powers and duties of the office when the chief judge is absent, when the Court of Appeals determines that he is unable to serve, or when the office is vacant.

THE INTERMEDIATE APPELLATE COURT

Section 5.05. Jurisdiction of Intermediate Appellate Court.

The Intermediate Appellate Court shall have the jurisdiction prescribed by law.

Section 5.06. Composition of Intermediate Appellate Court.

The Intermediate Appellate Court shall be composed of no fewer than five judges, as prescribed by law. The Intermediate Appellate Court may sit in divisions, as prescribed by rule, except that no fewer than three judges shall sit in each case.

THE SUPERIOR COURT

Section 5.07. Jurisdiction of Superior Court.

The Superior Court shall have original jurisdiction in all judicial proceedings, except as otherwise prescribed by this Constitution or by law, and shall have such other jurisdiction as is prescribed by law. Jurisdiction of the Superior Court shall be uniform throughout the State.

Section 5.08 Composition of Superior Court.

The Superior Court shall be composed of the number of Judges prescribed by law and the number shall be allocated among the counties by law. There shall be at least one Superior Court judge resident in each county. Functional divisions of the Superior Court may be established in any county as prescribed by rule.

THE DISTRICT COURT

Section 5.09. Jurisdiction of District Court.

The District Court shall have the original jurisdiction prescribed by law. Jurisdiction of the District Court shall be uniform throughout the State.

Section 5.10. Composition of District Court.

The District Court shall be composed of the number of judges prescribed by law. The State shall be divided by law into districts. Each district shall be composed of one or more entire and adjoining counties. The number of judges shall be allocated among the districts by law, and there shall be at least one District Court judge resident in each district. In any district containing more than one county, a District Court judge shall sit regularly in each county. Functional divisions of the District Court may be established in any district as prescribed by rule.

Section 5.11 Commissioners.

There may be commissioners of the District Court in the number and with the qualifications prescribed by rule. Commissioners in a district shall be appointed by and serve at the pleasure of that judge of the District Court who shall be designated by rule to appoint commissioners therein. Commissioners may exercise powers only with respect to warrants of arrest, bail, collateral and incarceration pending hearing, and then only as prescribed by rule.

SELECTION AND TENURE OF JUDGES

Section 5.12. Judicial Circuits.

The State shall be divided by law into circuits of the Court of Appeals and into circuits of the Intermediate Appellate Court.

Section 5.13. Eligibility for Appointment as Judge.

To be eligible for nomination and appointment as a judge, a person shall have been a citizen of the State and a member of the Bar of the State for at least five years immediately prior to his nomination. To be eligible for nomination and appointment as a judge of the Court of Appeals or the Intermediate Appellate Court, a person shall be a resident of the circuit where the Court of Appeals or the Intermediate Appellate Court vacancy exists. To be eligible for nomination and appointment as a judge of the Superior Court, a person shall be a resident of the county where the Superior Court vacancy exists. To be eligible for nomination and appointment as a judge of the District Court, a person shall be a resident of the district where the District Court vacancy exists.

Section 5.14. Nomination and Appointment.

The governor shall fill a vacancy in the office of judge by appointing one person from a list of no fewer than two nor more than five eligible persons nominated by a judicial nominating commission. Nominations to fill a vacancy shall be made not more than thirty days prior to nor more than sixty days after the occurrence of the vacancy. If the governor fails to appoint one of the nominees within sixty days after receiving the list, his power to make the appointment shall end and the chief judge of the Court of Appeals shall appoint one of the nominees.

Section 5.15. Appellate Courts Nominating Commission.

Nominations to fill a vacancy on the Court of Appeals or on the Intermediate Appellate Court shall be made by the Appellate Courts Nominating Commission. The Commission shall be composed of six lay persons, six lawyers, and one judge of the Court of Appeals. The term of each member shall be four years.

Section 5.16. Trial Courts Nominating Commissions.

Nominations to fill a vacancy on the Superior Court and on the District Court shall be made by a trial courts nominating commission. The number and composition of the commissions and the terms of their members shall be prescribed by law, except that each commission shall have no fewer than five members and shall be composed of an equal number of lay and lawyer members, and one judge. Each commission shall make nominations to fill vacancies on the Superior Court in one or more counties, or on the District Court in one or more districts, or both, as prescribed by law.

Section 5.17. Lawyer Members of Nominating Commissions.

Lawyer members of the Appellate Courts Nominating Commission shall be elected by lawyers throughout the State. Lawyer members of each trial courts nominating commission shall be elected by the lawyers of the area for which such commission is established. Election procedure and eligibility of lawyer members of nominating commissions and of their electors shall be prescribed by rule.

Section 5.18 Lay Members of Nominating Commissions.

Lay members of the Appellate Courts Nominating Commission shall be appointed by the governor from the qualified voters of the State. Lay members of each trial courts nominating commission shall be appointed by the governor from the qualified voters of the area for which such commission is established.

Section 5.19. Judicial Member of Nominating Commissions.

The judicial member of the Appellate Courts Nominating Commission shall be appointed by the Court of Appeals. A judicial member of each trial courts nominating commission shall be selected in the manner prescribed by rule.

Section 5.20. Rules Governing Nominating Commissions.

Each nominating commission shall act only upon the concurrence of a majority of its members. Each commission shall elect one of its members as chairman. A non-judicial member of a commission may not hold any public office of profit or office in a political party while a member of a commission. A non-judicial member shall not be eligible to hold a judicial office for two years immediately following his service on the commission and he shall not be eligible to hold any other public office of profit for one year immediately following his service.

Section 5.21. Term of Office of Judge.

The continuance in office of each judge shall be subject to approval or rejection by the electorate at the next general election following the expiration of two years from the date of his appointment and every 10 years thereafter so long as he retains his office. The continuance in office of each judge of the Court of Appeals and of the Intermediate Appellate Court shall be subject to approval or rejection by the electorate of the entire State. The continuance in office of each judge of the Superior Court and of the District Court shall be subject to approval or rejection by the electorate of the county or the district, respectively, for which the office then exists. The Court of Appeals shall prescribe by rule for the taking of a poll by secret ballot of the lawyers of the area in which the judge is required to stand for election as to whether he should be continued in office for a full or additional term, and for publication of the results thereof. In the event the electorate rejects the continuance in office of a judge, the office shall be vacant.

Section 5.22. Retirement of Judge.

Each judge shall retire at the age of seventy. The chief Judge of the Court of Appeals, with the approval of a majority of the members of that court, may authorize a retired judge temporarily to perform judicial duties in any court.

Section 5.23. Compensation of Judge.

Each judge shall be compensated for his judicial service solely by the State. The compensation of a judge shall not be reduced during his continuance in office. A pension payable to a retired judge or his surviving spouse in effect during his continuance in office shall not be reduced. All judges of the same court shall be paid the same compensation, including any pension based upon length of service, except that a uniform reduction in compensation may be made applicable to all judges of the same court appointed after the effective date of the reduction.

Section 5.24. Restriction of Non-Judicial Activities.

No judge shall engage in the practice of law or run for elective office other than the judicial office he then holds, or make any contribution to or hold any office in a political party or organization, or take part in any partisan political campaign, or receive any remuneration for his judicial service except as provided herein. No retired judge while engaging in the practice of law or running for elective office or holding any public office of profit shall be paid any pension for his judicial service.

REMOVAL OF JUDGES

Section 5.25. Removal or Retirement of Judge.

The Court of Appeals shall have power to remove any judge from office or to censure any judge upon recommendation of the Commission on Judicial Disabilities that the judge be removed and upon a finding, after hearing, of misconduct while in office, persistent failure to perform the duties of his office, or conduct prejudicial to the proper administration of justice. The Court of Appeals shall have power to retire any judge from office upon recommendation of the Commission on Judicial Disabilities that the judge be retired and upon a finding, after hearing, of disability seriously interfering with the performance of his duties, which is, or is likely to become, of a permanent character. A judge shall not sit in any hearing involving his own removal or retirement. A judge removed under this section, and his surviving spouse, shall have the rights and privileges accruing from his judicial service only to the extent prescribed by the order of removal. A judge retired under this section shall have the rights and privileges prescribed by law for other retired judges.

Section 5.26. Commission on Judicial Disabilities.

The Commission on Judicial Disabilities shall consist of one judge of the Intermediate Appellate Court, one judge of the Superior Court, one judge of the District Court, one lay person, and one lawyer. The judicial members shall be appointed by the Court of Appeals. The lay member and the lawyer member shall be appointed by the governor from the qualified voters of the State. The term of each member shall be four years.

Section 5.27. Power of Commission on Judicial Disabilities.

The Commission on Judicial Disabilities shall have power to investigate complaints against any judge, conduct hearings concerning the removal or retirement of a judge, administer oaths and affirmations, issue process to compel the attendance of witnesses and the production of evidence, and require persons to testify and produce evidence by granting immunity from prosecution or from any penalty or forfeiture. All proceedings, testimony, and evidence before the Commission shall be confidential and privileged, except that the record of any proceeding filed with the Court of Appeals shall lose its confidential character.

Section 5.28. Rules Governing Commission on Judicial Disabilities.

The Commission on Judicial Disabilities shall act only upon the concurrence of a majority of its members. The Commission shall elect one of its members as chairman. A member of the Commission shall receive no compensation for his service. Practice and procedure before the Commission shall be prescribed by rule.

ADMINISTRATION

Section 5.29. Administration of Judicial System.

The chief judge of the Court of Appeals shall be the administrative head of the judicial system. He shall designate one Intermediate Appellate Court judge, one Superior Court judge, and one District Court judge as the chief judge of each court. Each shall serve as chief judge at the pleasure of the chief judge of the Court of Appeals, and shall perform such duties in the administration of the judicial system as the chief judge of the Court of Appeals shall assign him. The chief judge of the Court of Appeals may designate administrative judges in the manner prescribed by rule. Administrative judges shall perform the duties prescribed by rule. Any judge may be assigned to sit temporarily in any court as prescribed by rule.

Section 5.30. Clerks of Court.

The chief judges of the Court of Appeals and of the intermediate Appellate, Superior and District Courts shall each appoint a chief clerk of his court who shall serve at the pleasure of the appointing judge. There shall be a clerk of the Superior Court and of the District Court in each county. The clerk of the Superior Court in each county shall be selected as prescribed by law. The appointment and terms of clerks of the District Court shall be governed by rule.

Section 5.31. Rule-Making Power.

Except as to matters specifically provided by this Constitution to be prescribed by rule, the Court of Appeals by rule and the General Assembly by law shall have concurrent power to prescribe regulations governing practice and procedure in all courts, governing the admission of persons to practice law in this State and the discipline of persons so admitted, and governing administration of the courts, officers of the judicial branch and, to the extent that their duties directly relate to the enforcement of judicial orders, officers of the executive branch. In the event a rule and a law prescribing a regulation of any of the three foregoing classes conflict, the later in time shall supersede the prior to the extent of the conflict. "Rule" as used in this Article means a rule adopted by the Court of Appeals.

Minority Report No. JB-1

By Delegates Johnson, Harkness, Hickman, Kahl, Murphy, Siewierski, Rush of the Committee on Judicial Branch, Mr. Johnson reporting.

This Minority Report relates to Committee Recommendation No. JB-1.

* * *

This is a minority report, not a dissent. Committee members submitting this report support almost all the principal recommendations made in Committee Recommendation No. JB-1 by the Committee

on the Judicial Branch. The minority departs from the Committee's recommendations primarily with respect to those provisions which appear inconsistent with the root philosophy of popular representative government.

The minority endorses the idea of a unified judicial system for the state. Creation of a strong judicial branch will offer obvious benefits to residents of the state, but that branch must not become so self-contained and self-regulating that it is immune from checks and controls by the people or their chosen representatives.

Several proposals in Committee Recommendation JB-1 are admirably designed to promote orderly, efficient and swift administration of justice. The minority believes that these provisions for increased efficiency should be balanced with provisions promoting the accessibility and responsiveness of judicial officers to the people over whose lives, liberty and property they exercise such extraordinary power.

Proposed changes in Sections 5.01, 5.11, 5.13 through 5.17, 5.21, 5.22, 5.24, 5.26, 5.29-5.31 in Recommendation JB-1 of the Committee on the Judicial Branch follow,

* * *

Delegate Powers, duly seconded, moved that the Committee of the Whole rise and report to the convention that it has under consideration Committee Recommendation JB-1.

SAID MOTION PREVAILED BY YEAS AND NAYS BY A VOICE VOTE.

At 6.10 P.M. the Convention resumed its session.

The President reported to the Convention that the Committee of the Whole has under consideration Committee Recommendation JB-1. and desires to sit again to further consider the recommendation.

At 6:14 o'clock P.M., on motion of Mr. Powers, duly seconded, the convention adjourned until Thursday, November 16, 1967 at 10:00 A.M.

CONSTITUTIONAL CONVENTION OF MARYLAND

JOURNAL OF PROCEEDINGS

Annapolis, Md., Thursday, Nov. 16, 1967

The Convention met at 10:00 o'clock A.M.

Invocation was offered by Rev. Joseph Daty, Headmaster,
Georgetown Prep. School, Garrett Park, Maryland.

Present at roll call were the following delegates:

President, Tawes, Clark J., James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Miller B., Miller E.T., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Ritter, Robey F.C., Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

TOTAL--141

President Eney, announced that pursuant to the provisions of Convention Rule 70C the following absences of delegates have been excused:

<u>DELEGATE</u>	<u>DATE</u>	<u>EXCUSE</u>
Bushong	11/13, 11/14	Illness in Immediate Family.
Clark	11/6, 11/13	Illness
Cleveland	11/13, 11/14	Illness
Dukes	11/7, 11/9	Under Summons to Appear in Court
Eney	11/13	Attended Meeting of National Conference on Government to Deliver Address on Constitutional Convention of Maryland.

<u>DELEGATE</u>	<u>DATE</u>	<u>EXCUSE</u>
E. Miller	11/1, 11/6, 11/7, 11/8, 11/9, 11/10	Illness
Scanlan	11/6	Illness

WHICH WAS READ.

REPORT OF COMMITTEE ON CALENDAR AND AGENDA

Mr. Powers, Chairman of the Committee on Calendar and Agenda, reported the daily calendar and agenda.

WHICH WAS READ AND ADOPTED BY VOICE VOTE.

At 10:00 o'clock A.M. Delegate Powers, duly seconded, moved that the Convention resolve itself into a Committee of the Whole to consider the General Orders of the Day.

MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

COMMITTEE OF THE WHOLE-GENERAL ORDERS OF THE DAY

Mr. Eney presided. Committee Recommendation JB-1 was again under consideration under debate schedule No. 4.

At 11:35 o'clock A.M. Delegate Dukes, duly seconded, moved that the Committee of the Whole Rise so that debate schedule could be amended in open Convention session.

SAID MOTION FAILED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Anderson, Bamberger, Bard, Barrick, Bennett, Blair, Boyer, Burdette, Burgess, Bushong, Buzzell, Byrnes, Chabot, Dorsey, Dukes, Finch, Fornos, Gleason, Grant, Groh, Hardwicke, Harkness, Harris, Hostetter, Hutchinson, Johnson, Kahl, Kiefer, Koger, Kosakowski, Leitzel, Linton, Macdonald, Mason, Maurer, Mentzer, Miller B., Mitchell, Moser, Murphy, Murray E.C., Pullen, Raley, Ritter, Robey F.C., Rush, Rybczynski, Schloeder, Schneider, Siewierski, Sollins, Sosnowski, Soul, Stern, Storm, Taylor L., Vecera, Webb, Weidemeyer, Wheatley, Willis, Willoner.

Total--62

Negative

Delegates--

President, Tawes, Clark J., James, Abramson, Adkins, Armor, Baumann, Beachley, Boileau, Borom, Bothe, Boyce, Bradshaw, Bryson, Caldwell,

Negative (Con't)

Cardin, Carson, Case, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Dulany, Eckenrode, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Hanson, Hargrove, Henderson, Hickman, Hopkins, Jett, Key, Kirkland, Koss, Lord, Marion, Morgan, Mosner, Mudd, Murray D.S., Needle, Neilson, Pascal, Penniman, Peters, Powers, Robie K.L., Rollins, Rosenstock, Scanlan, Sherbow, Sickles, Singer, Smith A.W., Smith J.H., Smith M.H., Sybert, Ulrich, Wagandt, White, Winslow. Total --68

Not Voting

Delegates--

Beall, Boyles, Cleveland, Darby, Della, Grumbacher, Gullett, Malrus, Miller E.T., Neumann, Price, Taylor H.E., Total --12

The Committee of the Whole continued its consideration of Amendment No. 1 to Committee Recommendation JB-1.

Amendment No. 1-- By Delegates Johnson, Harkness, Hickman, Kahl, Murphy, Siewierski, Rush from the floor. The amendment was duly seconded.

On page 1 in line 11 of Section 5.01 Judicial Power strike out the word "exclusively"; and in line 14 after the word "Court" add the following:

"and other courts that may be provided by law".

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Bennett, Burgess, Bushong, Caldwell, Chabot, Dabrowski, Darby, Dorsey, Dukes, Eckenrode, Finch, Gilchrist, Gleason, Harkness, Harris, Hickman, Hostetter, Hutchinson, Johnson, Kahl, Kirkland, Murphy, Murray E.C., Penniman, Peters, Robey F.C., Rush, Rybczynski, Scanlan, Siewierski, Sosnowski, Soul, Stern, Storm, Vecera, Webb, Weidemeyer. Total --37

Negative

Delegates--

President, Clark J., James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Bradshaw, Bryson, Burdette, Buzzell, Burnes, Cardin, Carson, Case, Child, Cicone, Clagett, Clarke E.J., Dulany, Fornos, Fox, Frederick, Freedlander, Gallagher, Gill, Groh, Hanson, Hardwicke, Hargrove, Henderson, Hopkins, Jett, Kiefer, Koger, Kosakowski, Litzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mitchell, Morgan, Moser, Mosner, Mudd, Murray D.S., Needle, Neilson, Pascal, Powers, Pullen, Raley, Robie K.L., Rollins, Rosenstock, Schloeder, Schneider, Sherbow, Sickles, Singer, Smith A.W., Smith J.H., Smith, M.H., Sollins, Sybert, Taylor L., Ulrich, Wagandt, White, Willis, Willoner, Winslow. Total --87

Not Voting

Delegates--

Tawes, Boyles, Cleveland, Della, Grant, Grumbacher, Gullett, Key, Koss, Malkus, Mentzer, Miller B., Miller E.T., Neumann, Price, Ritter, Taylor H.E., Wheatley. Total--18

Amendment No. 2-- By Delegate Carson from the floor. The amendment was duly seconded.

On page 1 Section 5.01 Judicial Power line 13, strike out the word "Superior" and insert in lieu thereof the word "County"; and

In all other places where the term "Superior Court" appears in Article V, insert in lieu thereof the term "County Court".

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Barrick, Burdette, Cardin, Carson, Case, Fox, Grant, Sybert, Willis, Total--9

Negative

Delegates--

President, Tawes, James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Baumann, Beachley, Bennett, Blair, Borom, Bothe, Boyer, Bradshaw, Bryson, Bushong, Buzzell, Byrnes, Caldwell, Chabot, Child, Cicone, Clagett, Clarke E.J., Darby, Della, Dorsey, Dukes, Dulany, Finch, Fornos, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Groh, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Key, Kiefer, Kirkland, Koger, Koss, Leitzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murray D.S., Murray E.C., Needle, Neilson, Pascal, Penniman, Peters, Powers, Pullen, Raley, Ritter, Robey F.C., Robie K.L., Rollins, Rosenstock, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, Willoner, Winslow. Total--111

Not Voting

Delegates--

Clark J., Beall, Boileau, Boyce, Boyles, Burgess, Cleveland, Dabrowski, Eckenrode, Grumbacher, Gullett, Kahl, Kosakowski, Malkus, Miller E.T., Murphy, Neumann, Price, Rush, Singer, Taylor, H.E., White. Total--22



Amendment No. 3-- By Delegate Storm from the floor The amendment was duly seconded.

On page 1 in line 11 of Section 5.01 Judicial Power strike out the word "exclusively"

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Anderson, Beachley, Bennett, Boyer, Burdette, Caldwell, Cardin, Carson, Case, Chabot, Darby, Della, Dorsey, Eckenrode, Grant, Groh, Harkness, Harris, Kirkland, Mason, Mentzer, Miller B., Mitchell, Murphy, Murray E.C., Pascal, Peters, Ritter, Robey F.C., Rush, Rybczynski, Scanlan, Singer, Sosnowski, Soul, Stern, Storm, Taylor L., Vecera, Webb, Weidemeyer, Wheatley, Willis, Willoner. Total--44

Negative

Delegates--

President, Tawes, James, Adkins, Armor, Bamberger, Bard, Barrick, Baumann, Blair, Borom, Bothe, Bradshaw, Bryson, Bushong, Buzzell, Byrnes, Child, Cicone, Clagett, Clarke E.J., Dukes, Dulany, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Hanson, Hardwicke, Hargrove, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Kiefer, Koger, Kosakowski, Linton, Macdonald, Marion, Maurer, Morgan, Moser, Mosner, Mudd, Murray D.S., Needle, Neilson, Powers, Pullen, Raley, Robie, K.L., Rollins, Rosenstock, Schneider, Sherbow, Sickles, Siewierski, Smith A.W., Smith J.H., Smith M.H., Sollins, Sybert, Ulrich, Wagandt, White, Winslow. Total--73

Not Voting

Delegates--

Clark J., Abramson, Beall, Boileau, Boyce, Boyles, Burgess, Cleveland, Dabrowski, Finch, Grumbacher, Gullett, Johnson, Kahl, Key, Koss, Leitzel, Lord, Malkus, Miller E.T., Neumann, Penniman, Price, Schloeder, Taylor H.E., Total--25

Amendment No. 4-- By Delegates Storm and Singer.

On page 2, Section 5.03, Composition of Court of Appeals, in line 4, after the word "of", add the words "no fewer than".

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Dabrowski, Darby, Dorsey, Jett, Singer, Sosnowski, Stern, Storm, Vecera, Willis. Total--10



Negative

Delegates--

President, Tawes, James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Blair, Boileau, Borom, Bothe, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Della, Dukes, Dulany, Eckenrode, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Malkus, Marion, Mason, Mentzer, Miller B., Miller E.T., Mitchell, Morgan, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Pullen, Raley, Ritter, Robie, K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Smith A.W., Smith J.H., Smith M.H., Sollins, Soul, Sybert, Taylor H.E., Ulrich, Wagandt, Webb, Weidemeyer, White, Willoner, Winslow. Total--117

Not Voting

Delegates--

Clark J., Bennett, Boyce, Boyer, Boyles, Cleveland, Finch, Fornos, Gullett, Maurer, Moser, Price, Robey F.C., Taylor L., Wheatley. Total--15

Amendment No. 5-- By Delegate Bamberger from the floor. The amendment was duly seconded.

On page 2, Section 5.06 Composition of Intermediate Appellate Court, in line 39, strike out the words "as prescribed by rule,".

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Tawes, Abramson, Anderson, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Boyce, Boyer, Burdette, Burgess, Bushong, Buzzell, Caldwell, Cardin, Carson, Case, Chabot, Dabrowski, Darby, Della, Dorsey, Eckenrode, Finch, Fox, Frederick, Gilchrist, Gill, Gleason, Grant, Groh, Hanson, Harkness, Harris, Hickman, Hostetter, Hutchinson, Johnson, Kahl, Kirkland, Kosakowski, Koss, Leitzel, Linton, Macdonald, Malkus, Maurer, Mentzer, Miller B., Mitchell, Murphy, Murray E.C., Neilson, Neumann, Pascal, Penniman, Peters, Raley, Ritter, Robey F.C., Rollins, Rush, Rybczynski, Scanlan, Schloeder, Sickles, Siewierski, Singer, Sollins, Sosnowski, Soul, Stern, Taylor L., Vecera, Webb, Weidemeyer, Wheatley, Willis, Willoner. Total--85

Negative

Delegates--

President, James, Adkins, Bothe, Bradshaw, Bryson, Byrnes, Cicone, Clagett, Clarke E.J., Dukes, Dulany, Fornos, Freedlander, Gallagher, Hardwicke, Hargrove, Henderson, Hopkins, Jett, Kiefer, Koger, Marion, Mason, Morgan, Moser, Mosner, Mudd, Murray D.S., Needle, Powers, Pullen, Robie K.L., Rosenstock, Schneider, Sherbow, Smith A.W., Smith J.H., Smith M.H., Storm, Sybert, Ulrich, White, Winslow.

Total--44

Not Voting

Delegates--

Clark J., Armor, Boyles, Child, Cleveland, Grumbacher, Gullett, Key, Lord, Miller E.T., Price, Taylor H.E., Wagandt.

Total--13

Delegate Powers, duly seconded, moved that the Committee rise and report to the Convention that the Committee of the Whole has under consideration Committee Recommendation No. JB-1.

SAID MOTION PREVAILED BY YEAS AND NAYS.

At 12:30 o'clock P.M., the Convention resumed its session.

The President reported to the Convention that the Committee of the Whole is considering Committee Recommendation JB-1 and amendments thereto.

At 12:32 o'clock P.M. on motion of Delegate Powers, the Convention took a recess until 2:00 o'clock P.M.

At 2:00 o'clock P.M. the Convention resumed its session.

Present at roll call were the following Delegates:

President, Tawes, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Boyer, Bryson, Burdette, Bushong, Buzzell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Dabrowski, Darby, Della, Dorsey, Dulany, Eckenrode, Fox, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Kiefer, Kirkland, Koger, Kosakowski, Koss, Litzel, Linton, Lord, Macdonald, Marion, Mason, Mentzer, Miller B., Miller E.T., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Neilson, Neumann, Pascal, Penniman, Peters, Powers, Pullen, Raley, Ritter, Robey F.C., Robie, K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total--117

At 2:08 o'clock P.M. on motion of Delegate Powers, duly seconded, the Convention resolved itself into a Committee of the Whole to consider the General Orders of the Day.

MOTION PREVAILED BY YEAS AND NAYS

VOICE VOTE.

COMMITTEE OF THE WHOLE-GENERAL ORDERS OF THE DAY

Consideration of Committee Recommendation JB-1

Amendment No. 6-- By Delegate Macdonald from the floor. The amendment was duly seconded.

On page 3, Section 5.08 Composition of Superior Court, line 14, after the word "by" insert the words "law or".

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Burdette, Burgess, Caldwell, Chabot, Clarke E.J., Dabrowski, Darby, Della, Dorsey, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gilchrist, Gleason, Grant, Grumbacher, Harkness, Harris, Hickman, Hostetter, Hutchinson, Johnson, Kahl, Kirkland, Koss, Leitzel, Linton, Lord, Macdonald, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Mosner, Murphy, Neumann, Pascal, Penniman, Peters, Raley, Ritter, Robey F.C., Rush, Rybczynski, Scanlan, Schloeder, Sickles, Siewierski, Singer, Smith A.W., Sollins, Sosnowski, Soul, Stern, Storm, Vecera, Wagandt, Webb, Weidemeyer, White, Willoner. Total--81

Negative

Delegates--

President, Tawes, James, Abramson, Adkins, Bradshaw, Bryson, Bushong, Buzzell, Byrnes, Cardin, Carson, Case, Child, Cicone, Clagett, Dukes, Dulany, Gallagher, Gill, Groh, Hanson, Hardwicke, Hargrove, Henderson, Hopkins, Jett, Koger, Kosakowski, Marion, Miller E.T., Moser, Mudd, Murray D.S., Murray E.C., Needle, Neilson, Powers, Pullen, Robie K.L., Rollins, Rosenstock, Schneider, Sherbow, Smith J.H., Smith M.H., Sybert, Taylor H.E., Taylor L., Ulrich, Willis, Winslow. Total--52

Not Voting

Delegates--

Clark J., Boyles, Cleveland, Gullett, Key, Kiefer, Malkus, Price, Wheatley. Total--9

Amendment No. 7-- By Delegate Bamberger from the floor. The amendment was duly seconded.

On page 3, Section 5.08 Composition of Superior Court, in lines 11 and 12, strike out the sentence reading "There shall be at least one Superior Court judge resident in each county."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Bamberger, Bennett, Bothe, Buzzell, Byrnes, Fox, Frederick, Hargrove, Mitchell, Singer, White. Total--11

Negative

Delegates--

President, Tawes, James, Adkins, Armor, Bard, Barrick, Beachley, Beall, Blair, Boileau, Borom, Boyce, Boyer, Bradshaw, Bryson, Burdette, Burgess, Bushong, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Hanson, Hargrove, Harkness, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Marion, Mason, Maurer, Miller E.T., Morgan, Moser, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Pullen, Raley, Ritter, Robey F.C., Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schneider, Sherbow, Sickles, Siewierski, Smith, A.W., Smith, J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera, Waqandt, Webb, Weidemeyer, Willis, Willoner, Winslow. Total--115

Not Voting

Delegates--

Clark J., Abramson, Anderson, Baumann, Boyles, Cleveland, Darby, Gullett, Harris, Macdonald, Malkus, Mentzer, Miller, B., Price, Schloeder, Wheatley. Total--16

Amendment No. 8-- By Delegates Grant, Clagett, Henderson from the floor. The amendment was duly seconded.

On page 3, Section 5.08 Composition of Superior Court, line 12, after the word "county" insert the following: "who shall preside over the Superior Court in that county".

The following Amendment No. 9 was offered as a substitute for Amendment No. 8. The sponsors of Amendment No. 8 accepted Amendment No. 9 as a substitute for their Amendment No. 8.

Amendment No. 9-- By Delegate Chabot from the floor. The amendment was duly seconded.

On page 3, Section 5.08 Composition of Superior Court, line 12, after the period insert the sentence: "A Superior Court judge shall sit regularly in the Superior Court in each county."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Barrick, Beachley, Beall, Bennett, Boyer, Burgess, Bushong, Buzzell, Caldwell, Cardin, Carson, Chabot, Child, Clagett, Eckenrode, Gallagher, Gilchrist, Gleason, Groh, Grumbacher, Henderson, Hickman, Hopkins, Hostetter, Kirkland, Maurer, Mitchell, Murray E.C., Neumann, Ritter, Robie K.L., Rollins, Smith A.W., Smith J.H., Smith M.H., Storm, Webb, White, Willis. Total--39

Negative

Delegates--

President, Tawes, James, Adkins, Anderson, Armor, Bamberger, Bard, Boileau, Borom, Bothe, Boyce, Bradshaw, Bryson, Burdette, Byrnes, Cicone, Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Finch, Fornos, Fox, Frederick, Freedlander, Gill, Hanson, Hardwicke, Hargrove, Harkness, Harris, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Koger, Koss, Leitzel, Linton, Lord, Macdonald, Marion, Mason, Mentzer, Miller E.T., Morgan, Moser, Murphy, Murray, D.S., Needle, Neilson, Penniman, Peters, Powers, Pullen, Raley, Robey, F.C., Rosenstock, Rush, Rybczynski, Scanlan, Schneider, Sherbow, Sickles, Siewierski, Singer, Sollins, Soul, Stern, Taylor H.E., Taylor L., Ulrich, Weidemeyer, Willoner, Winslow. Total--80

Not Voting

Delegates--

Clark J., Abramson, Baumann, Blair, Boyles, Case, Clarke E.J., Cleveland, Grant, Gullett, Kosakowski, Malkus, Miller B., Mosner, Mudd, Pascal, Price, Schloeder, Sosnowski, Sybert, Vecera, Wagandt, Wheatley. Total--23

Amendment No. 10-- By Delegate Bennett from the floor. The amendment was duly seconded.

On page 3, Section 5.08 Composition of Superior Court, line 14, after the period add: "The rule may provide that a judge assigned to a functional division shall serve on a non-rotational basis."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Beachley, Bennett, Hostetter, Rybczynski, Schloeder.

Total--5

Negative

Delegates--

President, Tawes, James, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Beall, Borom, Boyce, Boyer, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Caldwell, Carson, Chabot, Child, Cicone, Clagett, Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Grumbacher, Hanson, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hutchinson, Jett, Johnson, Key, Kiefer, Kirkland, Koger, Litzel, Linton, Lord, Macdonald, Marion, Mentzer, Miller B., Miller E.T., Mitchell, Morgan, Moser, Mosner, Murray D.S., Murray E.C., Needle, Neumann, Penniman, Peters, Powers, Pullen, Raley, Ritter, Robie K.L., Rollins, Rosenstock, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, White, Willis, Willoner, Winslow.

Total--106

Not Voting

Delegates--

Clark J., Abramson, Baumann, Blair, Boileau, Bothe, Boyles, Cardin, Case, Clarke E.J., Cleveland, Eckenrode, Groh, Gullett, Hardwicke, Kahl, Kosakowski, Koss, Malkus, Mason, Maurer, Mudd, Murphy, Neilson, Pascal, Price, Robey T.C., Rush, Scanlan, Sosnowski, Wheatley.

Total--31

Amendment No. 11-- By Delegates Fox and Carson from the floor. The amendment was duly seconded.

On page 1, Section 5.01 Judicial Power, in line 14, strike out the word "District" and insert in lieu thereof the word "General"; and

In all other places where the term "District Court" appears in Article V insert in lieu thereof the term "General Court".

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Bamberger, Bard, Barrick, Boileau, Bryson, Buzzell, Byrnes, Carson, Eckenrode, Finch, Fornos, Fox, Frederick, Gleason, Grant, Grumbacher, Hostetter, Hutchinson, Kirkland, Koss, Litzel, Mentzer, Miller B.,

Affirmative (Con't)

Mitchell, Needle, Neumann, Schloeder, Sickles, Singer, Smith M.H.,
Sollins, Storm, Sybert, Webb, Willis, Willoner. Total--36

Negative

Delegates--

President, Tawes, James, Adkins, Anderson, Armor, Beachley, Beall,
Blair, Borom, Bothe, Boyce, Boyer, Bradshaw, Burdette, Burgess,
Bushong, Caldwell, Chabot, Child, Cicone, Clagett, Della, Dorsey,
Dukes, Dulany, Gallagher, Gilchrist, Gill, Groh, Hanson, Hargrove,
Harkness, Harris, Henderson, Hickman, Hopkins, Jett, Johnson, Kahl,
Key, Kiefer, Koger, Linton, Lord, Macdonald, Marion, Mason,
Miller E.T., Morgan, Moser, Mosner, Mudd, Murray D.S., Murray E.C.,
Pascal, Penniman, Peters, Powers, Pullen, Raley, Robie K.L.,
Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schneider, Sherbow,
Siewierski, Smith A.W., Smith J.H., Soul, Stern, Taylor H.E.,
Taylor L., Ulrich, Vecera, Wagandt, Weidemeyer, Wheatley, White,
Winslow. Total--83

Not Voting

Delegates--

Clark J., Abramson, Baumann, Bennett, Boyles, Cardin, Case,
Clarke E.J., Cleveland, Dabrowski, Darby, Freedlander, Gullett,
Hardwicke, Kosakowski, Malkus, Maurer, Murphy, Neilson, Price,
Ritter, Robey F.C., Sosnowski,. Total--23

Amendment No. 12-- By Delegate Macdonald.

On page 3, Section 5.10 Composition of District Court, line 41,
after the word "by" insert the words "law or".

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Tawes, Anderson, Armor, Bamberger, Bard, Barrick, Beachley, Beall,
Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Burdette,
Burgess, Caldwell, Chabot, Della, Dorsey, Eckenrode, Finch, Fornos,
Fox, Frederick, Freedlander, Gilchrist, Gill, Gleason, Grant,
Grumbacher, Harkness, Harris, Hickman, Hopkins, Hostetter, Hutchinson,
Jett, Johnson, Kahl, Kirkland, Koss, Leitzel, Macdonald, Mason,
Mentzer, Miller B., Mitchell, Morgan, Mosner, Murphy, Murray E.C.,
Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Pullen,
Raley, Ritter, Robie K.L., Rush, Rybczynski, Scanlan, Schloeder,
Sherbow, Sickles, Siewierski, Singer, Smith A.W., Sollins, Sosnowski,
Soul, Stern, Storm, Vecera, Wagandt, Webb, Weidemeyer, Wheatley,
White, Willis, Willoner, Total--86

Negative

Delegates--

President, James, Adkins, Bradshaw, Bryson, Bushong, Buzzell, Byrnes, Carson, Case, Child, Cicone, Clagett, Dukes, Dulany, Groh, Hanson, Hargrove, Henderson, Koger, Marion, Miller, E.T., Moser, Murray, D.S., Rosenstock, Schneider, Smith J.H., Smith M.H., Sybert, Taylor H.E., Taylor L., Ulrich, Winslow. Total--33

Not Voting

Delegates--

Clark J., Abramson, Baumann, Boyles, Cardin, Clarke E.J., Cleveland, Dabrowski, Darby, Gallagher, Gullett, Hardwicke, Key, Kiefer, Kosakowski, Linton, Lord, Malkus, Maurer, Mudd, Price, Robey F.C., Rollins. Total--23

Amendment No. 13-- By Delegates Johnson, Harkness, Hickman, Kahl, Murphy, Siewerski, and Rush, from the floor. The amendment was duly seconded.

On page 3 Section 5.11 Commissioners strike out all of lines 45 through 50 and on page 4 line 1 strike out the word "therein" and insert in lieu thereof the following:

"The General Assembly may provide for commissioners of the District Court. The number, qualifications, appointment, compensation and tenure of District Court commissioners shall be prescribed by law."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Bennett, Blair, Boileau, Caldwell, Della, Dorsey, Eckenrode, Finch, Fox, Frederick, Gleason, Grant, Harkness, Harris, Hickman, Hostetter, Jett, Johnson, Kahl, Key, Kirkland, Miller B., Mitchell, Murphy, Peters, Ritter, Rush, Rybczynski, Schneider, Siewierski, Sosnowski, Soul, Vecera, Webb, Weidemeyer, Wheatley. Total--36

Negative

Delegates--

President, James, Adkins, Armor, Bamberger, Bard, Barrick, Beachley, Beall, Borom, Bothe, Boyce, Boyles, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Dukes, Dulany, Fornos, Freedlander, Gallagher, Gilchrist, Gill, Groh, Grumbacher, Hanson, Hardwicke, Hargrove, Henderson, Hopkins, Hutchinson, Kiefer, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller E.T., Morgan, Moser, Mosner, Mudd, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Pascal, Powers, Pullen, Raley, Robey F.C., Robie K.L., Rollins, Rosenstock, Scanlan, Schloeder,

Negative (Con't)

Sherbow, Sickles, Singer, Smith A.W., Smith J.H., Smith M.H.,
Sollins, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich,
Wagandt, White, Willis, Willoner, Winslow. Total--93

Not Voting

Delegates--

Tawes, Clark J., Abramson, Anderson, Baumann, Boyer, Cleveland,
Dabrowski, Darby, Gullett, Malkus, Penniman, Price. Total--13

Amendment No. 14-- By Delegate Grant from the floor. The amendment
was duly seconded.

On page 4, Section 5.11 Commissioners, strike out the last sen-
tence on lines 1 through 4 and insert in lieu thereof the following:
"Commissioners may exercise such power as prescribed by rule."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Adkins, Bard, Barrick, Beachley, Boyles, Carson, Case, Clagett,
Eckenrode, Fox, Gilchrist, Grant, Hardwicke, Kirkland, Linton,
Lord, Mentzer, Mitchell, Moser, Mosner, Needle, Raley, Ritter,
Scanlan, Smith J.H., Storm, Webb, Wheatley. Total--28

Negative

Delegates--

President, James, Anderson, Bamberger, Bennett, Blair, Boileau,
Borom, Bothe, Boyce, Bradshaw, Bryson, Burdette, Burgess, Bushong,
Buzzell, Byrnes, Chabot, Child, Cicone, Clarke E.J., Della, Dorsey,
Dukes, Dulany, Finch, Fornos, Freedlander, Gallagher, Gill, Gleason,
Groh, Grumbacher, Hanson, Hargrove, Harkness, Harris, Henderson,
Hickman, Hutchinson, Key, Kiefer, Koger, Kosakowski, Leitzel,
Macdonald, Marion, Mason, Maurer, Miller B., Morgan, Mudd, Murray D.S.,
Murray E.C., Neilson, Neumann, Pascal, Penniman, Peters, Powers,
Pullen, Robey F.C., Robie K.L., Rollins, Rosenstock, Rybczynski,
Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W.,
Smith M.H., Sollins, Soul, Stern, Sybert, Taylor H.E., Taylor L.,
Ulrich, Wagandt, Weidemeyer, White, Willoner, Winslow. Total--86

Not Voting

Delegates--

Tawes, Clark J., Abramson, Armor, Baumann, Beall, Boyer, Caldwell,
Cardin, Cleveland, Dabrowski, Darby, Frederick, Gullett, Hopkins,
Hostetter, Jett, Johnson, Kahl, Koss, Malkus, Miller E.T., Murphy,
Price, Rush, Sosnowski, Vecera, Willis. Total--28

Delegate Powers, duly seconded, moved that the Committee of the Whole Rise and report to the Convention that it has under consideration Committee Recommendation JB-1 and amendments thereto.

At 6:05 P.M. the Convention resumed its session.

The President reported to the Convention that the Committee of the Whole has under consideration Committee Recommendation JB-1, and desires to sit again on the matter.

REPORTS OF OTHER STANDING COMMITTEES

Report of the Committee of the Whole No. 6

This Report Covers Matters In: General Order No. 5

Committee Recommendation No. GP-3

Delegate Proposal Nos. 199, 273,
391, 415.

The Committee of the Whole has considered Committee Recommendation No. GP-3 and has approved the Recommendation as submitted.

WHICH WAS READ AND REFERRED TO THE COMMITTEE ON STYLE, DRAFTING AND ARRANGEMENT.

At 6:09 o'clock P.M., on motion of Delegate Powers, duly seconded, the Convention adjourned until Friday, November 17, 1967 at 10:00 A.M.

CONSTITUTIONAL CONVENTION OF MARYLAND
JOURNAL OF PROCEEDINGS

Annapolis, Md., Friday, Nov. 17, 1967

The Convention met at 10:00 o'clock A. M.

Invocation was offered by Rev. Marion C. Bascom, Douglas Memorial Community Church, Baltimore, Maryland.

Present at the roll call were the following delegates:

President, Tawes, James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borow, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Brynes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E. J., Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Miller B., Miller E. T., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Ritter, Robey F. C., Robie K. L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A. W., Smith J. H., Smith M. H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H. E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total -- 140

REPORT OF COMMITTEE ON CALENDAR AND AGENDA

Mr. Powers, Chairman of the Committee on Calendar and Agenda, reported on the daily calendar and agenda.

WHICH WAS READ AND ADOPTED BY VOICE VOTE.

REPORTS OF OTHER STANDING COMMITTEES

Committee Memorandum No. R&P-1 was offered in support of Committee Recommendation No. R&P-1.

* * *

At 10:10 o'clock A. M. Delegate Powers moved, duly seconded, that the Convention resolve itself into the Committee of the Whole to consider the General Orders of the Day.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

COMMITTEE OF THE WHOLE -- GENERAL ORDERS OF THE DAY

Mr. Eney presided.

Consideration of Committee Recommendation No. JB-1 (Judiciary Article) under debate schedule No. 4 resumed.

Amendment No. 15 to Committee Recommendation No. JB-1 -- By Delegate Macdonald from the floor. The amendment was duly seconded.

On page 4, Section 5.11, Commissioners, in lines 3 and 4, strike out the following: ", and then only as prescribed by rule."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

Abramson, Bamberger, Bennett, Blair, Burdette, Burgess, Dabrowski, Darby, Della, Fornos, Groh, Grumbacher, Hutchinson, Kahl, Kirkland, Koss, Macdonald, Maurer, Mentzer, Miller B., Murphy, Neurann, Pascal, Rush, Rybczynski, Vecera, Webb, Weidemeyer, Wheatley, Willis, Willoner.

Total -- 31

Negative

Delegates --

President, Tawes, James, Adkins, Armor, Bard, Baumann, Leachley, Beall, Borom, Bothe, Boyce, Boyer, Bradshaw, Bryson, Bushong, Caldwell, Cardin, Case, Chabot, Child, Cicope, Clagett, Clarke E. J., Dukes, Dulany, Eckenrode, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Grant, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Henderson, Hickman, Hopkins, Jett, Johnson, Key, Kiefer, Koger, Kosakowski, Leitzel, Linton, Marion, Mason, Miller, E.T. Moser, Mosner, Mudd, Murray D. S., Murray E. C., Needle, Neilson, Penniran, Powers, Price, Pullen, Raley, Robey F. C., Robie K. L., Rollins, Rosenstock, Scanlan, Schloeder, Schneider, Sherbow, Siewierski, Singer, Smith A. L., Smith J. L., Smith M. H., Sellins, Soul, Stern, Sybert, Taylor E. F., Ulrich, Wagandt, White, Winslow.

Total -- 37

Not Voting

Delegates --

Clark J., Anderson, Barrick, Boileau, Boyles, Buzzell, Byrnes, Carson, Cleveland, Dorsey, Finch, Gleason, Harris, Hostetter, Lord, Malkus, Mitchell, Morgan, Peters, Ritter, Sickles, Sosnowski, Taylor L.

Total -- 23

Amendment No. 16 to Committee Recommendation No. JB-1 -- By Delegates Bothe and Dukes from the floor. The amendment was duly seconded.

On page 4, Section 5.11, Commissioners, in line 2 strike out the word "bail", and insert in lieu thereof the following: "or other terms of pretrial release or".

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

President, Tawes, James, Abramson, Adkins, Anderson, Armor, Barberger, Bard, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Bradshaw, Bryson, Burdette, Burgess, Bushong, Caldwell, Cardin, Carson, Case, Chabot, Cicone, Clagett, Dabrowski, Darby, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Grant, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Hickman, Hopkins, Hutchinson, Jett, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Leitzel, Linton, Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Miller E. T., Mitchell, Morgan, Moser, Mosner, Mudd, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Pascal, Penniman, Powers, Price, Pullen, Raley, Ritter, Robey F. C., Robie K. L., Rollins, Rosenstock, Scanlan, Schloeder, Schneider, Sherbow, Siewierski, Singer, Smith A. W., Smith J. H., Smith M. H., Sollins, Soul, Stern, Sybert, Taylor H. E., Taylor L., Ulrich, Wagandt, Webb, Weidemeyer, White, Willis, Willoner, Winslow.

Total -- 112

Negative

Delegates -- None

Not Voting

Delegates --

Clark J., Barrick, Baumann, Boyer, Boyles, Buzzell, Byrnes, Child, Clarke E. J., Cleveland, Della, Dorsey, Gleason, Groh, Harris, Henderson, Hostetter, Johnson, Koss, Lord, Miller B., Murphy, Peters, Rush, Rybczynski, Sickles, Sosnowski, Vecera.

Amendment No. 17 to Committee Recommendation No. JB-1 -- By Delegate Chabot from the floor. The amendment was duly seconded.

On page 4, Section 5.11, Commissioners, in line 4 following the period, add the sentence:

"No commissioner may issue a warrant of arrest unless he is a member of the Bar of the State."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

Bennett, Borom, Boyer, Byrnes, Chabot, Darby, Miller B., Mitchell, Needle, Sollins, Webb.

Total -- 11

Negative

Delegates --

President, Tawes, James, Adkins, Armor, Bamberger, Bard, Barrick, Beachley, Beall, Blair, Boileau, Bothe, Boyce, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Caldwell, Cardin, Carson, Case, Child, Cicone, Clagett, Dabrowski, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Gill, Grant, Groh, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Key, Kiefer, Kirkland, Koger, Kosakowski, Leitzel, Lord, Marion, Maurer, Miller E. T., Morgan, Moser, Mosner, Mudd, Murray D. S., Murray E. C., Neumann, Pascal, Penniman, Peters, Powers, Pullen, Raley, Ritter, Robie K. L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Siewierski, Singer, Smith A. W., Smith J. H., Smith M. H., Soul, Stern, Storm, Sybert, Taylor H. E., Ulrich, Vecera, Wagandt, Weidemeyer, White, Willis, Willoner, Winslow.

Total -- 103

Not Voting

Delegates --

Clark J., Abramson, Anderson, Baumann, Boyles, Clarke E. J., Cleveland, Della, Dorsey, Frederick, Gleason, Grumbacher, Harris, Kahl, Koss, Linton, Macdonald, Malkus, Mason, Mentzer, Murphy, Neilson, Price, Robey F. C., Sickles, Sosnowski, Taylor L., Wheatley.

Total -- 28

Amendment No. 18 to Committee Recommendation No. JB-1 -- By
Delegate Grant from the floor.

On page 4, Section 5.11, Commissioners, strike out the last sentence on lines 1 through 4 inclusive, and insert in lieu thereof the following: "Commissioners may exercise such power as prescribed by law."

WITH PERMISSION OF THE DELEGATES, AMENDMENT NO. 18 BY
DELEGATE GRANT, WAS WITHDRAWN.

Amendment No. 18 to Committee Recommendation No. JB-1 -- By
Delegate Malkus from the floor. The amendment was duly seconded.

On page 3, Section 5.10, Composition of District Court, in line 36 strike out the word, "district," and insert in lieu thereof the word, "county"; and in lines 36 through 39 inclusive, strike out the following sentence, "In any district containing more than one county, a District Court Judge shall sit regularly in each county."

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS
FOLLOWS:

Affirmative

Delegates --

Tawes, Abramson, Adkins, Anderson, Armor, Barrick, Baumann, Beachley, Beall, Blair, Boileau, Boyer, Burdette, Burgess, Bushong, Buzzell, Caldwell, Carson, Child, Clarke E. J., Dabrowski, Darby, Della, Eckenrode, Finch, Fornos, Fox, Frederick, Gilchrist, Grant, Groh, Grumbacher, Gullett, Harkness, Harris, Hickman, Hostetter, Hutchinson, Kahl, Kirkland, Leitzel, Linton, Malkus, Miller E. T., Mosner, Murphy, Murray E. C., Neilson, Pascal, Penniman, Peters, Pullen, Ritter, Robie K. L., Rollins, Rush, Rybczynski, Scanlan, Sosnowski, Soul, Storm, Sybert, Taylor L., Vecera, Webb, Weidemeyer, Wheatley, Willis.

* Cardin

Total -- 69

Negative

Delegates --

President, James, Bamberger, Bard, Bennett, Borom, Eothe, Eoyce, Bradshaw, Bryson, Byrnes, Case, Chabot, Cicone, Clagett, Dukes, Dulany, Freedlander, Gallagher, Gill, Hanson, Hardwicke, Hargrove, Henderson, Hopkins, Key, Koger, Koss, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mudd, Murray D. S., Needle, Neumann, Powers, Raley, Robey F. C., Rosenstock, Schneider, Sherbow, Singer, Smith A. L., Smith J. L., Smith M. H., Sollins, Stern, Taylor E. E., Ulrich, Wagandt, White, Willoner, Winslow.

Not Voting

Delegates --

Clark J., Boyles, Cleveland, Dorsey, Gleason, Jett, Johnson, Kiefer, Kosakowski, Price, Schloeder, Sickles, Siewierski.

Total -- 13

Amendment No. 19 to Committee Recommendation No. JB-1 -- By Delegate Hardwicke from the floor. The amendment was duly seconded.

On page 4, Section 5.11, Commissioners, strike out line 3 and insert in lieu thereof the following: ", incarceration pending hearing, and other matters as may be prescribed by law, and then ".

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

Bennett, Boileau, Boyer, Caldwell, Cardin, Carson, Dabrowski, Darby, Eckenrode, Finch, Fox, Frederick, Gilchrist, Grant, Hanson, Hardwicke, Kirkland, Miller E. T., Mitchell, Murphy, Peters, Ritter, Sosnowski, Taylor L., Vecera, Webb, Weidemeyer.

Total -- 27

Negative

Delegates --

President, Tawes, James, Abramson, Adkins, Anderson, Armor, Barberger, Bard, Baumann, Beachley, Blair, Borom, Bothe, Boyce, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Child, Cicone, Clagett, Della, Dukes, Dulany, Freedlander, Gallagher, Gill, Grumbacher, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Kahl, Key, Kiefer, Koger, Koss, Leitzel, Linton, Lord, Macdonald, Marion, Mason, Mentzer, Miller B., Morgan, Moser, Mosner, Mudd, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Pascal, Penniman, Powers, Price, Pullen, Raley, Robey F. C., Robie K. L., Rosenstock, Rush, Rybczynski, Scanlan, Schneider, Sherbow, Siewierski, Singer, Smith A. W., Smith J. H., Smith M. H., Sollins, Soul, Stern, Storm, Sybert, Taylor H. E., Ulrich, Wagandt, Wheatley, White, Willis, Willoner, Winslow.

Total -- 93

Not Voting

Delegates --

Clark J., Barrick, Beall, Boyles, Bushong, Case, Chabot, Clarke E. J., Cleveland, Dorsey, Fornos, Gleason, Groh, Gullett, Jett, Johnson, Kosakowski, Malkus, Maurer, Rollins, Schloeder, Sickles.

Total -- 22

Delegate Clagett moved, duly seconded, that the vote by which Amendment No. 18 was adopted be reconsidered.

Delegate Bennett moved, duly seconded, that the Committee of the Whole rise.

SAID MOTION FAILED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

Baumann, Bennett, Boileau, Bothe, Clagett, Kahl, Key, Leitzel, Macdonald, Maurer, Mosner, Murphy, Rush, Schneider, Sosnowski, Taylor L., Vecera, Willoner,

Total -- 18

Negative

Delegates --

President, Tawes, James, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Beachley, Beall, Blair, Borom, Boyce, Boyer, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Caldwell, Cardin, Carson, Chabot, Child, Cicone, Clarke E. J., Dabrowski, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Johnson, Kirkland, Koger, Koss, Linton, Lord, Malkus, Marion, Mason, Mentzer, Miller B., Miller E. T., Mitchell, Morgan, Moser, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Robey F. C., Robie K. L., Rollins, Rosenstock, Rybczynski, Scanlan, Schloeder, Sherbow, Siewierski, Singer, Smith A. W., Smith J. H., Smith M. H., Sollins, Soul, Stern, Storm, Sybert, Taylor H. E., Ulrich, Wagandt, Weidemeyer, White, Willis, Winslow.

Total -- 107

Not Voting

Delegates --

Clark J., Abramson, Boyles, Case, Cleveland, Darby, Della, Dorsey, Groh, Jett, Kiefer, Kosakowski, Mudd, Ritter, Sickles, Webb, Wheatley.

Total -- 17

The question on Delegate Clagett's motion to reconsider the vote on Amendment No. 18 was put by the Chairman.

SAID MOTION FAILED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

President, Armor, Bard, Bennett, Borom, Bothe, Boyce, Bradshaw, Bryson, Bushong, Byrnes, Case, Chabot, Cicone, Clagett, Dabrowski, Dukes, Dulany, Freedlander, Gallagher, Gill, Hanson, Hargrove, Henderson, Key, Koger, Koss, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mudd, Murray D. S., Needle, Neilson, Powers, Raley, Robey F. C., Schloeder, Schneider, Sherbow, Singer, Smith J. H., Sollins, Stern, Taylor H. E., Taylor L., Ulrich, Wagandt, White, Willoner, Winslow.

Total -- 58

Negative

Delegates --

Tawes, James, Abramson, Adkins, Anderson, Bamberger, Barrick, Baumann, Beachley, Beall, Blair, Boileau, Boyer, Burdette, Burgess, Buzzell, Caldwell, Cardin, Carson, Child, Clarke E. J., Darby, Della, Eckenrode, Finch, Fornos, Fox, Frederick, Gilchrist, Gleason, Grant, Groh, Grumbacher, Gullett, Harkness, Harris, Hickman, Hopkins, Hostetter, Hutchinson, Kahl, Kirkland, Leitzel, Linton, Malkus, Miller E. T., Mosner, Murphy, Murray E. C., Neumann, Pascal, Penniman, Peters, Price, Pullen, Ritter, Robie K. L., Rollins, Rush, Rybczynski, Scanlan, Smith A. W., Smith M. H., Sosnowski, Soul, Storm, Sybert, Vecera, Webb, Weidemeyer, Wheatley, Willis.

Total -- 72

Not Voting

Delegates --

Clark J., Boyles, Cleveland, Dorsey, Hardwicke, Jett, Johnson, Kiefer, Kosakowski, Rosenstock, Sickles, Siewierski.

Total -- 12

Delegate Powers moved, duly seconded, that the Committee of the Whole rise and report to the Convention that the Committee is considering Committee Recommendation No. JB-1.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

At 12:55 o'clock P. M. the Convention resumed its session.

The President reported to the Convention that the Committee of the Whole is considering Committee Recommendation No. JB-1 and desires to sit again on the matter.

At 12:56 o'clock P. M. on motion of Delegate Powers the Convention took a recess until 2:30 o'clock P. M.

At 2:30 o'clock P. M. the Convention resumed its session.

Present at the roll call were the following delegates:

President, Tawes, James, Abramson, Adkins, Anderson, Arror, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Bothe, Boyce, Boyer, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Caldwell, Cardin, Carson, Chabot, Child, Cicone, Clagett, Dabrowski, Darby, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Gullett, Hanson, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mudd, Murphy, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Pullen, Paley, Robey F. C., Robie K. L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A. W., Smith J. H., Smith M. H., Sollins, Sosnowski, Soul, Stern, Storm, Taylor H. E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Wheatley, White, Willis, Willoner, Winslow.

Total -- 120

REPORTS OF OTHER STANDING COMMITTEES

Report of the Committee of the Whole No. 7.

This Report covers matters in: General Order No. 8
Committee Recommendation No. LG-1
Delegate Proposal Nos. 7, 10, 88,
107, 113, 126, 166, 220, 226, 231,
232, 310, 311, 352, 359, 369, 370,
374, 375, 383, 385, 387, 392.

The Committee of the Whole has considered Committee Recommendation No. LG-1 and has approved it with amendments as indicated in the attachment to this Report.

Committee Recommendation No. LG-1, as amended by the Committee of the Whole November 15, 1967.

MULTI-COUNTY GOVERNMENTS

Section 7.10. Establishment of Multi-County Governmental Units.

The General Assembly may provide by law for the establishment, powers, change, merger, dissolution, and alteration of boundaries of multi-county governmental units, intergovernmental authorities, popularly elected representative regional governments, and other units of local government, but excluding municipal corporations and civil units (of multi-county governmental units, including intergovernmental authorities and popularly elected representative regional governments, but excluding municipal corporations.) The General Assembly may provide referenda for any law establishing a popularly elected representative regional government or affecting its powers. (The General Assembly may provide referenda for any law establishing, affecting the powers of, or dissolving popularly elected representative regional governments, or the creation or alteration of their boundaries.)

WHICH WAS READ AND REFERRED TO THE COMMITTEE ON STYLE, DRAFTING AND ARRANGEMENT.

Mr. Boyer, Chairman of the Committee on General Provisions, offered Committee Recommendation No. GP-6.

A RECOMMENDATION that the Constitution include an article entitled "Education."

* * *

WHICH WAS READ AND REFERRED TO THE COMMITTEE OF THE WHOLE.

Committee Memorandum No. GP-6 was offered in support of Committee Recommendation No. GP-6.

* * *

Minority Report No. EB-1(A) -- By Delegates Buzzell, Dorsey, Finch, James, Mason, Smith, Storm, Sybert, and Tawes of the Committee on the Executive Branch.

This Minority Report relates to Committee Report No. EB-1.

A MINORITY REPORT concerning Committee Report No. EB-1 in which the Committee on the Executive Branch voted 11-9 not to provide for a Board of Public Works in the Constitution.

* * *

WHICH WAS READ AND RECEIVED BY THE CONVENTION.

Minority Report No. EB-1(B) -- By Delegates Buzzell, Dorsey, Finch, James, Mason, Smith, Storm, Sybert, and Tawes of the Committee on the Executive Branch.

This Minority Report relates to Committee Report No. EB-1.

A MINORITY REPORT concerning Committee Report No. EB-1 in which the Committee on the Executive Branch voted 11-9 not to provide for the office of an elected Comptroller in the Constitution.

* * *

WHICH WAS READ AND RECEIVED BY THE CONVENTION.

Minority Report No. EB-1(C) -- By Delegates Buzzell, Dorsey, Finch, James, Mason, Smith, Storm, Sybert, and Tawes of the Committee on the Executive Branch.

This Minority Report relates to Committee Report No. EB-1.

A MINORITY REPORT concerning Committee Report No. EB-1 in which the Committee on the Executive Branch voted 11-9 not to provide for the office of an elected Treasurer in the Constitution.

* * *

WHICH WAS READ AND RECEIVED BY THE CONVENTION.

Minority Report No. EB-1(D) -- By Delegates Buzzell, Dorsey, Finch, James, Mason, Smith, Storm, Sybert, and Tawes of the Committee on the Executive Branch.

This Minority Report relates to Committee Report No. EB-1.

A MINORITY REPORT concerning Committee Report No. EB-1 in which the Committee on the Executive Branch voted 11-9 not to provide for the office of an elected Attorney General in the Constitution.

* * *

WHICH WAS READ AND RECEIVED BY THE CONVENTION.

At 2:45 o'clock P. M. Delegate Powers moved, duly seconded, that the Convention resolve itself into a Committee of the Whole to consider the General Orders of the Day.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

COMMITTEE OF THE WHOLE -- GENERAL ORDERS OF THE DAY

Consideration of Committee Recommendation No. JB-1 (under debate schedule no. 4).

Delegate Mudd, Chairman of the Committee on the Judicial Branch, reported on Sections 5.12 through 5.28 in the Committee Recommendation.

Delegate Johnson presented the Minority Report dealing with Sections 5.12 through 5.28.

Delegate Powers moved, duly seconded, that the Committee of the Whole rise and report to the Convention that the Committee has under consideration Committee Recommendation No. JB-1 and desires to sit again to further consider the Committee Recommendation.

At 5:14 o'clock P. M. the Convention resumed its session.

The President reported to the Convention that the Committee of the Whole has under consideration Committee Recommendation No. JB-1 and desires to sit again to further consider the Committee Recommendation.

REPORTS OF OTHER STANDING COMMITTEES

Mr. Scanlan, Chairman of the Committee on Rules, Credentials and Convention Budget, reported on the 14th Report of the Rules Credentials and Convention Budget Committee.

A REPORT regarding Resolution No. 21.

* * *

WHICH WAS READ AND REFERRED TO THE COMMITTEE ON CALENDAR AND AGENDA.

Mr. Boyer, Chairman of the Committee on General Provisions, offered Committee Recommendation No. GP-7.

A RECOMMENDATION that the Constitution include a provision on amendment of the Constitution.

* * *

WHICH WAS READ AND REFERRED TO THE COMMITTEE OF THE WHOLE.

Committee Memorandum No. GP-7 was offered in support of Committee Recommendation No. GP-7.

* * *

Mr. Boyer, Chairman of the Committee on General Provisions, offered Committee Recommendation No. GP-8.

A RECOMMENDATION that the Constitution include a provision on Constitutional Convention.

* * *

WHICH WAS READ AND REFERRED TO THE COMMITTEE OF THE WHOLE.

Committee Memorandum No. GP-8 was offered in support of Committee Recommendation No. GP-8.

* * *

Mr. Boyer, Chairman of the Committee on General Provisions, offered Committee Recommendation No. GP-9.

A RECOMMENDATION that the Constitution contain the following provision dealing with the adoption by the State of the Common Law of England, such of the English Statutes which are applicable to local circumstances, the Acts of Assembly which are appropriately enforceable and entitling the citizens of Maryland to all property derived by Charter from the King.

* * *

WHICH WAS READ AND REFERRED TO THE COMMITTEE OF THE WHOLE.

Committee Memorandum No. GP-9 was offered in support of Committee Recommendation No. GP-9

* * *

Mr. Boyer, Chairman of the Committee on General Provisions, offered Committee Recommendation No. GP-10.

A RECOMMENDATION that the Constitution include a provision on impeachment.

* * *

WHICH WAS READ AND REFERRED TO THE COMMITTEE OF THE WHOLE.

Committee Memorandum No. GP-10 was offered in support of Committee Recommendation No. GP-10.

* * *

Mr. Boyer, Chairman of the Committee on General Provisions, offered Committee Recommendation No. GP-11.

A RECOMMENDATION that the Constitution include a provision on separation of powers.

* * *

WHICH WAS READ AND REFERRED TO THE COMMITTEE OF THE WHOLE.

Committee Memorandum No. GP-11 was offered in support of Committee Recommendation No. GP-11.

* * *

MOTIONS AND RESOLUTIONS

Resolution No. 21 -- By Committee on Rules, Credentials and Convention Budget, Alfred L. Scanlan, Chairman.

A RESOLUTION concerning charges for materials and services of the Convention.

WHEREAS the Constitutional Convention of Maryland is reproducing in its own duplicating room Committee Recommendations, Delegate Proposals, Transcripts of its Sessions and other documents necessary for the use of the Convention, and

WHEREAS the Constitutional Convention of Maryland has received many requests from persons for copies of the various documents reproduced by the duplicating room of the Convention and to reproduce documents of the Convention and other documents on the duplicating facilities of the Convention, and

WHEREAS the Convention budget allows only limited funds for the distribution of the documents of the Convention to the public-at-large and to persons who have a special need for certain documents of the Convention and for the reproducing of documents on the duplicating facilities of the Convention, and

WHEREAS it is deemed advisable to provide various documents of the Convention and to reproduce documents on the duplicating facilities of the Convention at a reasonable cost where appropriate,

NOW, THEREFORE, BE IT RESOLVED by the Constitutional Convention of Maryland

1. The Secretary of the Convention be and is hereby authorized to provide documents reproduced in the duplicating room of the Convention or belonging to the Convention and to reproduce documents of the Convention and other documents on the duplicating facilities of the Convention for persons requesting same; to establish, with the approval of the President, a schedule of charges for the documents of the Convention and for the reproducing of documents on the duplicating facilities of the Convention; and to distribute the documents of the Convention or authorize the reproduction of documents on the duplicating facilities of the Convention without cost where such would be in the public interest, and

BE IT FURTHER RESOLVED That all monies received by the Secretary for materials or services of the Convention shall be turned over by him to the Comptroller of the Treasury for credit to the account of the Convention.

At 5:25 o'clock P. M. on motion of Mr. Powers, duly seconded, the Convention adjourned until Monday, November 20, 1967, at 2:00 o'clock P. M.

CONSTITUTIONAL CONVENTION OF MARYLAND
JOURNAL OF PROCEEDINGS

Annapolis, Md., Monday, November 20, 1967

The Convention met at 2:00 o'clock P. M.

Invocation was offered by Rev. Converse P. Hunter, Chestnut Grove Presbyterian Church, Phoenix, Maryland.

Present at the roll call were the following delegates:

President, Tawes, Clark J., James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E. J., Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Miller B., Miller E. T., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D. S., Murray E. C., Needle, Neilson, Meumann, Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Ritter, Robey F. C., Robie K. L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A. W., Smith J. H., Smith M. E., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H. E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total -- 141

REPORT OF COMMITTEE ON CALENDAR AND AGENDA

Mr. Powers, Chairman of the Committee on Calendar and Agenda, reported the daily calendar and agenda.

WHICH WAS READ AND ADOPTED BY VOICE VOTE.

REPORTS OF OTHER STANDING COMMITTEES

Minority Report No. R&P-1(A) -- By Delegates Child, Beachley, Burgess, Dabrowski, Groh, Hardwicke, Hostetter, Price, Weidemeyer of the Committee on Personal Rights and the Preamble.

This Minority Report relates to Committee Recommendation No R&P-1.

A MINORITY REPORT to delete, strike from, and obliterate Subparagraph B of Section 5 of the **Majority** Report.

* * *

It is submitted that Subparagraph B should be stricken from the Committee Recommendation for the following reasons:

1. It is unnecessary.
2. It is repetitive and superfluous.
3. The language is statutory.
4. It is restrictive.

WHICH WAS READ AND RECEIVED BY THE CONVENTION.

MOTIONS AND RESOLUTIONS

Mr. Scanlan, Chairman of the Committee on Rules, Credentials and Convention Budget, reported Resolution No. 21.

A RESOLUTION concerning charges for materials and services of the Convention.

* * *

NOW, THEREFORE, BE IT RESOLVED by the Constitutional Convention of Maryland

1. The Secretary of the Convention be and is hereby authorized to provide documents reproduced in the duplicating room of the Convention or belonging to the Convention and to reproduce documents of the Convention and other documents on the duplicating facilities of the Convention for persons requesting the same; to establish, with the approval of the President, a schedule of charges for the documents of the Convention and for the reproducing of documents on the duplicating facilities of the Convention; and to distribute the documents of the Convention or authorize the reproduction of documents on the duplicating facilities of the Convention without cost where such would be in the public interest, and

BE IT FURTHER RESOLVED that all monies received by the Secretary for materials or services of the Convention shall be turned over by him to the Comptroller of the Treasury for credit to the account of the Convention.

ON MOTION OF DELEGATE SCANLAN, DULY SECONDED, RESOLUTION NO. 21 WAS ADOPTED.

At 2:18 o'clock P. M. Delegate Powers moved, duly seconded, that the Convention resolve itself into a Committee of the Whole to consider the General Orders of the Day.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

COMMITTEE OF THE WHOLE -- GENERAL ORDERS OF THE DAY

Mr. Eney presided.

Consideration of Committee Recommendation No. JB-1 (Judiciary Article) under debate schedule no. 4 resumed.

Amendment No. 20 to Accompany Minority Report JB-1 to Committee Recommendation No. JB-1 -- By Delegates Johnson, Harkness, Hickman, Kahl, Murphy, Siewierski and Rush from the floor. The amendment was duly seconded.

In Section 5.13, Eligibility for Appointment as Judge, after the word "person", add the following words; "shall be at least 30 years of age and".

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

Anderson, Beall, Blair, Byrnes, Caldwell, Child, Dabrowski, Darby, Della, Dorsey, Eckenrode, Gleason, Harkness, Harris, Hickman, Hopkins, Hostetter, Johnson, Kahl, Kirkland, Koger, Kosakowski, Mitchell, Murphy, Murray D. S., Neilson, Peters, Ritter, Rush, Rybczynski, Siewierski, Sybert, Vecera, Webb.

Total -- 34

Negative

Delegates --

President, Tawes, Clark J., James, Adkins, Armor, Bamberger, Iard, Barrick, Deachley, Bennett, Boileau, Borom, Bothe, Boyer, Bradshaw, Bryson, Burdette, Burgess, Bushong, *Cardin, Case, Chabot, Cicone, Clagett, Clarke E. J., Dulany, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Henderson, Hutchinson, Jett, Kiefer, Koss, Leitzel, Linton, Lord, Macdonald, Marion, Nason, Maurer, Mentzer, Miller B., Miller F. T., Morgan, Moser, Mosner, Mud, Murray E. C., Needle, Neumann, Pascal, Powers, Price, Raley, Robey F. C., Robie K. L., Rosenstock, Scanlan, Schloeder, Schneider, Singer, Smith A. W., Smith J. H., Smith M. H., Sollins, Soul, Stern, Taylor E. F., Taylor L., Ulrich, Vagandt, White, Willis, Willoner, Winslow.

* Buzzell

Not Voting

Delegates --

Abramson, Baumann, Boyce, Boyles, Carson, Cleveland, Dukes, Key, Malkus, Penniman, Pullen, Rollins, Sherbow, Sickles, Sosnowski, Storm, Weidemeyer, Wheatley.

Total -- 18

Amendment No. 21 to Committee Recommendation No. JB-1 -- By
Delegate Sollins from the floor. The amendment was duly seconded.

In Section 5.13, Eligibility for Appointment as Judge, after the word "county ", insert the words "or have his principal office "; and after the word "district " insert the words "or have his office ".

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS
FOLLOWS:

Affirmative

Delegates --

Bennett, Caldwell, Cardin, Case, Clagett, Hanson, Hardwicke, Miller B., Needle, Neilson, Neumann, Pascal, Scanlan, Schloeder, Sickles, Singer, Smith M. H., Sollins,

Total -- 18

Negative

Delegates --

President, Tawes, Clark J., James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Blair, Boileau, Borom, Boyer, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Chabot, Child, Cicone, Clarke E. J., Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Litzel, Linton, Lord, Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Miller F. T., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D. S., Murray F. C., Penniman, Peters, Powers, Price, Raley, Ritter, Robey F. C., Robie K. L., Rosenstock, Rush, Rybczynski, Schneider, Sherbow, Siewierski, Smith A. W., Smith J. H., Soul, Stern, Storm, Sybert, Taylor H. E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total -- 114

Not Voting

Delegates --

Bothe, Boyce, Boyles, Carson, Cleveland, Hostetter, Koss, Pullen, Rollins, Sosnowski.

Total -- 10

Amendment No. 22 to Committee Recommendation No. JB-1 -- By
Delegates Storm and Sybert from the floor. The amendment was
duly seconded.

page 4,

On/Section 5.13, Eligibility for Appointment as Judge, in
each instance after the word, "resident", add the words, "and
registered voter "; and

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS
FOLLOWS:

Affirmative

Delegates --

President, Clark J., Anderson, Barrick, Baumann, Beachley, Beall,
Blair, Boyer, Child, Della, Dorsey, Finch, Frederick, Gilchrist,
Gill, Gleason, Grant, Gullett, Harkness, Hopkins, Hostetter,
Hutchinson, Kahl, Kirkland, Mason, Mitchell, Murray E. C., Neumann,
Peters, Ritter, Rush, Rybczynski, Storm, Sybert, Vecera, Webb,
Weidemeyer, Wheatley, Willis, Smith A. W.

Total -- 41

Negative

Delegates --

Tawes, James, Abramson, Adkins, Armor, Bamberger, Bard, Bennett,
Boileau, Borom, Bothe, Bradshaw, Bryson, Burdette, Burgess,
Bushong, Buzzell, Byrnes, Cardin, Case, Chabot, Cicone, Clagett,
Clarke E. J., Dabrowski, Dukes, Dulany, Eckenrode, Fornos, Fox,
Freedlander, Gallagher, Groh, Grumbacher, Hanson, Hardwicke, Hargrove,
Harris, Henderson, Hickman, Jett, Johnson, Key, Kiefer, Koger,
Kosakowski, Koss, Leitzel, Linton, Macdonald, Marion, Maurer,
Mentzer, Miller B., Morgan, Moser, Mosner, Mudd, Murphy, Murray
D. S., Needle, Penniman, Powers, Raley, Robey F. C., Robie K. L.,
Rosenstock, Scanlan, Schneider, Sherbow, Sickles, Siewierski,
Smith J. H., Smith M.H., Sollins, Soul, Stern, Taylor H. E., Taylor
L., *Wagandt, White, Willoner, Winslow.

* Ulrich,

Total -- 84

Not Voting

Delegates --

Boyce, Boyles, Caldwell, Carson, Cleveland, Darby, Lord, Malkus, Miller E. T., Neilson, Pascal, Price, Pullen, Rollins, Schloeder, Singer, Sosnowski.

Total -- 17

Delegate Johnson moved, duly seconded, that the Committee of the Whole rise so that the debate schedule could be amended.

SAID MOTION PREVAILED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

Tawes, Clark J., James, Abramson, Adkins, Anderson, Bard, Barrick, Baumann, Beall, Blair, Bothe, Buzzell, Byrnes, Caldwell, Cardin, Chabot, Child, Clagett, Dabrowski, Darby, Della, Dorsey, Dukes, Eckenrode, Fornos, Frederick, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Harkness, Harris, Hickman, Hostetter, Hutchinson, Johnson, Kahl, Key, Kirkland, Koger, Kosakowski, Linton, Lord, Malkus, Marion, Mason, Mitchell, Mosner, Murphy, Murray E. C., Neilson, Neumann, Pascal, Peters, Pullen, Raley, Robey F. C., Rush, Rybczynski, Schloeder, Schneider, Siewierski, Singer, Smith A. W., Sollins, Sosnowski, Soul, Stern, Sybert, Taylor L., Vecera, Webb, Weidemeyer, Wheatley, Willoner.

Total -- 78

Negative

Delegates --

Armor, Bamberger, Beachley, Bennett, Boileau, Borom, Boyles, Bradshaw, Bryson, Burdette, Burgess, Bushong, Carson, Case, Cicone, Clarke E. J., Dulany, Finch, Fox, Freedlander, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Henderson, Hopkins, Jett, Kiefer, Leitzel, Macdonald, Maurer, Mentzer, Morgan, Moser, Mudd, Murray D. S., Needle, Penniman, Powers, Robie K. L., Rosenstock, Scanlan, Sherbow, Sickles, Smith J. H., Smith M. H., Taylor H. E., Ulrich, Wagandt, White, Willis, Winslow.

Total -- 53

Not Voting

Delegates --

President, Boyce, Boyer, Cleveland, Koss, Miller B., Miller E. T., Price, Ritter, Rollins, Storm.

Total -- 11

The Convention resumed its session at 5:00 o'clock P. M.

Delegate Powers moved, duly seconded, that debate schedule no. 4 be amended to allow an additional 15 minutes of uncontrolled time to consider Section 5.14 in Committee Recommendation No. JB-1.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

At 5:03 o'clock P. M. Delegate Powers moved, duly seconded, that the Convention resolve itself into a Committee of the Whole.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

COMMITTEE OF THE WHOLE

Consideration of Amendment No. 23 to Committee Recommendation No JB-1 resumed.

Amendment No. 23 to Accompany Minority Report JB-1 to Committee Recommendation No. JB-1 -- By Delegates Johnson, Harkness, Hickman, Kahl, Murphy, Siewierski and Rush from the floor. The amendment was duly seconded.

In Section 5.14, Nomination and Appointment, strike out all of lines 35 through 44, inclusive, and the words, "occurrence of the vacancy " in line 45, and insert in lieu thereof the following:

"Section 5.14. Nominations and Appointments for Appellate Courts.

The Governor shall fill a vacancy in the office of judge of the Court of Appeals and the Intermediate Appellate Court by appointing one person from a list of no fewer than three nor more than five eligible persons nominated by a judicial nominating commission. The commission shall make nominations to fill a vacancy not more than thirty days prior to nor more than sixty days after the occurrence of the vacancy."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

Tawes, Abramson, Anderson, Barrick, Baumann, Beall, Blair, Boyer, Burgess, Caldwell, Cardin, Child, Darby, Della, Dorsey, Eckenrode, Frederick, Gleason, Grant, Crumbacher, Harkness, Harris, Hickman, Hostetter, Hutchinson, Johnson, Kahl, Kirkland, Kosakowski, Malkus, Murphy, Pascal, Peters, Rybczynski, Siewierski, Sosnowski, Soul, Storm, Vecera, Webb, Weidemeyer, Wheatley.

Total -- 42

Negative

Delegates --

President, Clark J., James, Adkins, Armor, Bamberger, Bard, Beachley, Bennett, Boileau, Borom, Bothe, Boyce, Boyles, Bradshaw, Bryson, Burdette, Bushong, Buzzell, Byrnes, Carson, Case, Chabot, Cicone, Clagett, Clarke F. J., Dabrowski, Dukes, Dulany, Finch, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Gill, Groh, Gullett, Hanson, Hardwicke, Hargrove, Henderson, Hopkins, Jett, Key, Kiefer, Koger, Koss, Leitzel, Linton, Lord, Macdonald, Marion, Nason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murray D. S., Murray E. C., Needle, Neilson, Neuman, Penniman, Powers, Pullen, Raley, Robey F. C., Robie K. L., Rollins, Rosenstock, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Singer, Smith A. W., Smith J. H., Smith M. H., Sollins, Stern, Sybert, Taylor H. E., Taylor L., Ulrich, Wagandt, White, Willis, Willoner, Winslow.

Total -- 95

Not Voting

Delegates --

Cleveland, Miller E. T., Price, Ritter, Rush.

Total -- 5

Amendment No. 24 to Committee Recommendation No. JB-1 -- By Delegate Adkins from the floor. The amendment was duly seconded.

In Section 5.14, Nomination and Appointment, strike out the word "two" and insert in lieu thereof the word "three".

Amendment No. 25 offered as a substitute for Amendment No. 24 to Committee Recommendation No. JB-1 -- By Delegate Chabot from the floor. The amendment was duly seconded.

In Section 5.14, Nomination and Appointment, in lines 38 through 42, inclusive, strike out the sentence beginning with the words, "The Governor" in line 38 down to and including the word "commission." in line 42, and insert in lieu thereof the following:

"The Governor shall fill a vacancy on the Court of Appeals or on the Intermediate Appellate Court by appointing one person from a list of no fewer than three nor more than five eligible persons nominated by the Appellate Courts Nominating Commission. The Governor shall fill a vacancy on the Superior Court or on the District Court by appointing one person from a list of no fewer than two nor more than five eligible persons nominated by the Trial Courts Nominating Commission authorized to make nominations for that vacancy."

SUBSTITUTE AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

Caldwell, Chabot, Child, Frederick, Gleason, Grant, Henderson, Jett, Marion, Maurer, Murphy, Schloeder, Schneider, Siewierski, Smith M. H., Storm.

Total -- 16

Negative

Delegates --

President, Tawes, Clark J., James, Abramson, Adkins, Anderson, Armor, Bamberger, Barrick, Beachley, Beall, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Cardin, Carson, Case, Cicone, Clagett, Clarke E. J., Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Gill, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Hickman, Hopkins, Hostetter, Hutchinson, Johnson, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Litzel, Linton, Lord, Macdonald, Malkus, Mason, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Pullen, Raley, Robey F. C., Robie K. L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Sherbow, Sickles, Singer, Smith A. W., Smith J. H., Sollins, Sosnowski, Soul, Stern, Sybert, Taylor H. E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total -- 117

Not Voting

Delegates --

Bard, Baumann, Bennett, Cleveland, Kahl, Mentzer, Miller E. T., Price, Ritter.

Total -- 9

Amendment No. 24 --

WHICH AMFNDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS
FOLLOWS:

Affirmative

Delegates --

President, Tawes, Clark J., James, Abramson, Adkins, Anderson, Armor,
Bamberger, Barrick, Beachley, Beall, Blair, Boileau, Borom, Bothe,
Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Bushong,
Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Child, Cicone,
Clagett, Clarke E. J., Dabrowski, Darby, Della, Dorsey, Dukes,
Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Gilchrist, Gill,
Groh, Grumbacher, Gullett, Hanson, Hargrove, Harkness, Harris,
Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer,
Kirkland, Kosakowski, Koss, Leitzel, Linton, Malkus, Mason, Maurer,
Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Murphy,
Murray D. S., Murray E. C., Needle, Neilson, Neumann, Pascal,
Penniman, Peters, Powers, Pullen, Raley, Robey F. C., Robie K. L.,
Rollins, Rush, Rybczynski, Scanlan, Schloeder, Sherbow, Sickles,
Singer, Smith A. W., Smith J. H., Sollins, Sosnowski, Soul, Stern,
Storm, Sybert, Taylor H. E., Taylor L., Ulrich, Vecera, Wagandt,
Webb, Wheatley, White, Willis, Willoner, Winslow.

Total -- 117

Negative

Delegates --

Chabot, Freedlander, Gallagher, Gleason, Grant, Hardwicke, Henderson,
Hickman, Koger, Lord, Macdonald, Marion, Mudd, Rosenstock, Schneider,
Siewierski, Smith M. H., Weidemeyer.

Total -- 18

Not Voting

Delegates --

Bard, Baumann, Bennett, Cleveland, Miller E. T., Price, Ritter,

Total -- 7

Delegate Powers moved, duly seconded, that the Committee rise
and report to the Convention.

At 5:50 o'clock P. M. the Convention resumed its session.

The President reported to the Convention that the Committee of
the Whole has under consideration Committee Recommendation No. JB-1.

At 5:52 o'clock P. M. on motion of Delegate Powers, duly seconded, the Convention took a recess until 7:30 o'clock P. M.

At 7:30 o'clock P. M. the Convention resumed its session.

Present at the roll call were the following delegates:

President, Tawes, Clark J., James, Anderson, Armor, Bamberger, Baumann, Beachley, Beall, Boileau, Bothe, Boyce, Boyer, Bryson, Burdette, Burgess, Buzzell, Cardin, Chabot, Child, Cicone, Clagett, Clarke E. J., Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Fox, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Hanson, Hardwicke, Hargrove, Harris, Henderson, Hopkins, Hutchinson, Jett, Kahl, Key, Kirkland, Koger, Kosakowski, Koss, Linton, Malkus, Marion, Mason, Maurer, Mentzer, Mitchell, Moser, Mosner, Mudd, Murray E. C., Neilson, Neumann, Pascal, Penniman, Peters, Powers, Pullen, Raley, Robey F. C., Rosenstock, Schneider, Sherbow, Sickles, Singer, Smith A. W., Smith J. H., Smith M. H., Sollins, Stern, Storm, Sybert, Taylor L., Ulrich, Wagandt, Webb, White, Willis, Willoner, Winslow.

Total -- 92

At 7:40 o'clock P. M. Delegate Powers moved, duly seconded, that the Convention resolve itself into the Committee of the Whole to consider the General Orders of the Day.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

COMMITTEE OF THE WHOLE -- GENERAL ORDERS OF THE DAY

Consideration of Committee Recommendation No. JB-1 resumed.

Amendment No. 26 to Committee Recommendation No. JB-1 -- By Delegates Mitchell and Gill from the floor. The amendment was duly seconded.

In Section 5.14, Nomination and Appointment, strike out the words "If the Governor fails to ", and insert in lieu thereof the words "The Governor shall"; and in lines 47 through 50, strike out beginning with the words "his power " in line 47 down to and including the letters "nees " in line 50.

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

Tawes, Clark J., Abramson, Adkins, Anderson, Barrick, Baumann, Beall, Bennett, Borom, Burdette, Burgess, Cardin, Carson, Dorsey, Dukes, Eckenrode, Fornos, Gilchrist, Gill, Gleason, Hanson, Hardwicke, Harkness, Harris, Hickman, Hostetter, Hutchinson, Johnson, Kahl, Key, Kirkland, Koger, Kosakowski, Mason, Maurer,

Mentzer, Miller B., Mitchell, Morgan, Murphy, Penniman, Pullen, Raley, Robey F. C., Rush, Rybczynski, Siewierski, Sosnowski, Taylor L., Webb, Weidemeyer, Wheatley, White.

Total -- 54

Negative

Delegates --

President, James, Armor, Bamberger, Beachley, Boileau, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Buzzell, Byrnes, Caldwell, Case, Chabot, Child, Cicone, Clagett, Dabrowski, Darby, Della, Dulany, Finch, Fox, Frederick, Freedlander, Grant, Groh, Hargrove, Henderson, Hopkins, Jett, Koss, Linton, Lord, Macdonald, Marion, Moser, Mosner, Mudd, Murray D. S., Murray E. C., Neilson, Neumann, Pascal, Peters, Powers, Robie K. L., Rollins, Rosenstock, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Singer, Smith A. W., Smith J. H., Smith M. H., Sollins, Soul, Stern, Storm, Sybert, Taylor H. E., Ulrich, Vecera, Wagandt, Willis, Willoner, Winslow.

Total -- 73

Not Voting

Delegates --

Bard, Blair, Bushong, Clarke E. J., Cleveland, Gallagher, Grumbacher, Gullett, Kiefer, Litzel, Malkus, Miller E. T., Needle, Price, Ritter.

Total -- 15

Amendment No. 27 to Committee Recommendation No. JB-1 -- By Delegate Chabot from the floor. The amendment was duly seconded.

In Section 5.14, Nomination and Appointment, after the word "vacancy ", add this sentence:

"If a list sufficient to meet the requirements of this Section has been timely received by the Governor, but, before the vacancy has been filled, the number of persons on such a list has been reduced by the ineligibility of one or more nominees so that the list is no longer sufficient, the Governor may return the list to the nominating commission, which shall present him with another sufficient list within thirty days thereafter."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

Clark J., Adkins, Bennett, Burdette, Byrnes, Chabot, Child,
Harkness, Mitchell,

Total -- 9

Negative

Delegates --

President, Tawes, James, Anderson, Armor, Bamberger, Barrick,
Beachley, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Boyles,
Bradshaw, Bryson, Burgess, Buzzell, Caldwell, Cardin, Carson, Case,
Cicone, Clagett, Clarke E. J., Dabrowski, Darby, Della, Dorsey,
Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander,
Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher,
Hanson, Hardwicke, Hargrove, Harris, Henderson, Hickman, Hopkins,
Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland,
Koger, Kosakowski, Koss, Linton, Lord, Macdonald, Marion, Mason,
Maurer, Mentzer, Miller B., Morgan, Moser, Mosner, Mudd, Murphy,
Murray D. S., Murray E. C., Neilson, Neumann, Pascal, Penniman,
Peters, Powers, Pullen, Raley, Robey F. C., Robie K. L., Rollins,
Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider,
Sherbow, Sickles, Siewierski, Singer, Smith A. W., Smith J. H.,
Smith M. H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert,
Taylor H. E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer,
White, Willis, Willoner, Winslow.

119

Not Voting

Delegates --

Abramson, Bard, Baumann, Beall, Bushong, Cleveland, Gullett,
Leitzel, Malkus, Miller E. T., Needle, Price, Ritter, Wheatley.

Total -- 14

Amendment No. 28 to Committee Recommendation No. JB-1 -- By
Delegate Malkus from the floor. The amendment was duly seconded.

In Section 5.14, Nomination and Appointment, in lines 39
through 50, strike out beginning with the words, "appointing one
person " in line 39 down to and including the letters "nees " in
line 50 and insert in lieu thereof the words, "appointing a
person to fill the vacancy ".

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS
FOLLOWS:

Affirmative

Delegates --

Abramson, Blair, Boyer, Burdette, Caldwell, Darby, Della, Dorsey, Eckenrode, Finch, Frederick, Harkness, Harris, Hickman, Hostetter, Hutchinson, Johnson, Kahl, Kirkland, Malkus, Murphy, Pascal, Penniman, Peters, Rush, Rybczynski, Scanlan, Sosnowski, Soul, Vecera, Webb, Weidemeyer, Wheatley.

Total -- 33

Negative

Delegates --

President, Clark J., James, Adkins, Armor, Bamberger, Beachley, Bennett, Boileau, Borom, Bothe, Boyce, Boyles, Bradshaw, Bryson, Burgess, Bushong, Buzzell, Byrnes, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E. J., Dabrowski, Dukes, Dulany, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Groh, Grumbacher, Hanson, Hardwicke, Hargrove, Henderson, Hopkins, Jett, Key, Kiefer, Koger, Koss, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murray D. S., Murray E. C., Neilson, Neumann, Powers, Pullen, Raley, Robey F. C., Robie K. L., Rollins, Rosenstock, Schloeder, Sherbow, Sickles, Singer, Smith A. W., Smith J. H., Smith M. H., Sollins, Stern, Sybert, Taylor H. E., Taylor L., Ulrich, Wagandt, White, Willis, Willoner, Winslow.

Total -- 90

Not Voting

Delegates --

Tawes, Anderson, Bard, Barrick, Baumann, Beall, Cleveland, Grant, Gullett, Kosakowski, Leitzel, Linton, Miller E. T., Needle, Price, Ritter, Schneider, Siewierski, Storm.

Total -- 19

Amendment No. 29 to Committee Recommendation No. JB-1 -- By Delegates Dukes and Kiefer from the floor. The amendment was duly seconded.

In Section 5.14, Nomination and Appointment, strike out the word "five " and insert in lieu thereof the word "ten ".

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

Clark J., Abramson, Beachley, Boyer, Boyles, Burdette, Burgess, Dabrowski, Darby, Della, Dorsey, Dukes, Eckenrode, Gallagher, Gilchrist, Gleason, Grant, Groh, Harris, Hostetter, Hutchinson, Kahl, Key, Kiefer, Kirkland, Koger, Malkus, Mason, Mitchell, Morgan, Murray H. C., Neilson, Rollins, Rush, Rybczynski, Siewierski, Singer, Storm, Sybert, Taylor L., Weidereyer, Wheatley.

Total -- 42

Negative

Delegates --

President, Tawes, James, Adkins, Anderson, Armor, Barberger, Larrick, Bennett, Blair, Dorom, Bothe, Boyce, Bradshaw, Bryson, Bushong, Buzzell, Byrnes, Caldwell, Case, Child, Cicone, Clagett, Clarke E. J., Dulany, Fornos, Fox, Freedlander, Gill, Grumbacher, Hanson, Hardwicke, Hargrove, Harkness, Henderson, Hickman, Hopkins, Jett, Kosakowski, Koss, Linton, Lord, Macdonald, Marion, Maurer, Mentzer, Miller B., Moser, Mosner, Mudd, Murray D. S., Penniman, Peters, Powers, Pullen, Raley, Robey F. C., Robie F. L., Rosenstock, Schloeder, Sherbow, Sickles, Smith A. W., Smith J. H., Smith M. H., Sollins, Soul, Stern, Taylor H. F., Ulrich, Webb, White, Willis, Willoner, Winslow.

Total -- 75

Not Voting

Delegates --

Bard, Baumann, Beall, Boileau, Cardin, Carson, Chahot, Cleveland, Finch, Frederick, Gullett, Johnson, Litzel, Miller E. T., Murphy, Needle, Neumann, Pascal, Price, Ritter, Scanlan, Schneider, Sosnowski, Vecera, Wagandt.

Total -- 25

Amendment No. 30 to Committee Recommendation No. JE-1 -- By Delegates Fornos, Fox, Boileau and Pascal from the floor. The amendment was duly seconded.

In Section 5.15, Appellate Courts Nominating Commission, add the following: "No more than two members of the Commission may be residents of the same county."

THE AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

Clark J., Adkins, Anderson, Beachley, Boileau, Boyce, Boyer, Bryson, Burdette, Burgess, Bushong, Caldwell, Cardin, Child, Dabrowski, Dukes, Dulany, Eckenrode, Fornos, Fox, Gilchrist, Gleason, Grant, Groh, Harris, Hostetter, Hutchinson, Koss, Lord, Malkus, Maurer, Miller B., Mitchell, Morgan, Mosner, Murray E. C., Pascal, Robey F. C., Robie K. L., Scanlan, Schloeder, Sherbow, Siewierski, Smith M. H., Sollins, Sosnowski, Stern, Storm, Sybert, Weidemeyer, Willoner.

Total -- 51

Negative

Delegates --

President, Tawes, James, Armor, Bennett, Blair, Borom, Bothe, Boyles, Bradshaw, Buzzell, Byrnes, Case, Chabot, Cicone, Clagett, Clarke E. J., Darby, Della, Dorsey, Finch, Freedlander, Gallagher, Gill, Hanson, Hardwicke, Hargrove, Harkness, Henderson, Hickman, Hopkins, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Linton, Macdonald, Marion, Mason, Mentzer, Moser, Mudd, Murray D. S., Neilson, Neumann, Penniman, Peters, Powers, Pullen, Raley, Rollins, Rosenstock, Rush, Rybczynski, Schneider, Sickles, Singer, Smith A. W., Smith J. H., Soul, Taylor H. E., Ulrich, Wagandt, Webb, Wheatley, White, Willis, Winslow.

Total -- 72

Not Voting

Delegates --

Abramson, Bamberger, Bard, Barrick, Baumann, Beall, Carson, Cleveland, Frederick, Grumbacher, Gullett, Leitzel, Miller E. T., Murphy, Needle, Price, Ritter, Taylor L., Vecera.

Total -- 19

Amendment No. 31 to Accompany Minority Report No. JB-1 to Committee Recommendation No. JB-1 -- By Delegates Johnson, Harkness, Hickman, Kahl, Murphy, Siewierski, and Rush from the floor. The amendment was duly seconded.

In Section 5.15, Appellate Courts Nominating Commission, strike out the two commas, insert the word "and" following the word "persons"; and strike out the words "and one judge of the Court of Appeals".

WHICH AMENDMENT WAS READ AND ADOPTED BY YFAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

Tawes, Clark J., James, Adkins, Anderson, Bamberger, Barrick, Beachley, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyles, Bryson, Burdette, Burgess, Bushong, Buzzell, Caldwell, Cardin, Carson, Case, Chabot, Child, Clarke E. J., Dabrowski, Darby, Della, Dorsey, Eckenrode, Finch, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Hanson, Hardwicke, Harkness, Harris, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Linton, Lord, Macdonald, Malkus, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Mosner, Murray E. C., Neilson, Neumann, Pascal, Penniran, Peters, Pullen, Raley, Robey F. C., Robie W. L., Rollins, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Siciles, Siewierski, Singer, Smith A. W., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H. E., Taylor L., Wagandt, Webb, Weidner, Wheatley, White, Willis, Willoner.

Total -- 106

Negative

Delegates --

President, Armor, Bradshaw, Byrnes, Cicone, Clagett, Dukos, Dulany, Hargrove, Marion, Moser, Mudd, Murray D. S., Powers, Rosenstock, Sherbow, Smith J. H., Smith M. H., Ulrich, Winslow.

Total -- 20

Not Voting

Delegates --

Abramson, Bard, Baumann, Beall, Boyer, Cleveland, Frederick, Cullett, Henderson, Litzel, Miller F. T., Murphy, Needle, Price, Ritter, Vecera.

Total -- 16

Amendment No. 32 to Committee Recommendation No. JE-1 -- by Delegate H. Miller from the floor. The amendment was duly seconded.

In Section 5.14, Nomination and Appointment, in lines 45 through 50, inclusive, strike out beginning with the words, "If the Governor," in line 45 down to and including the period in line 50, and insert in lieu thereof the following:

"The Governor shall appoint one of the nominees within thirty days after receiving the list."

WHICH AMENDMENT WAS READ AND REJECTED BY YEA AND NAYS AS FOLLOWS:

Affirmative

Delegates --

Clark J., Anderson, Beachley, Burdette, Cardin, Carson, Eckenrode, Fornos, Gill, Hardwicke, Harkness, Harris, Hickman, Hostetter, Hutchinson, Johnson, Key, Koss, Mason, Mentzer, Miller B., Mitchell, Pascal, Penniman, Peters, Rush, Rybczynski, Siewierski, Sollins, Wheatley, White.

Total -- 31

Negative

Delegates --

President, Adkins, Armor, Bamberger, Barrick, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyles, Bradshaw, Bryson, Burgess, Bushong, Buzzell, Byrnes, Caldwell, Case, Chabot, Child, Cicone, Clagett, Clarke E. J., Darby, Della, Dorsey, Dukes, Dulany, Finch, Freedlander, Gallagher, Gilchrist, Gleason, Grant, Groh, Grumbacher, Hanson, Hargrove, Henderson, Hopkins, Jett, Kiefer, Koger, Kosakowski, Linton, Lord, Macdonald, Marion, Morgan, Moser, Mosner, Mudd, Murray D. S., Murray E. C., Neilson, Neumann, Powers, Pullen, Raley, Robey F. C., Robie K. L., Rollins, Rosenstock, Scanlan, Schneider, Sherbow, Sickles, Singer, Smith A. W., Smith M. H., Sosnowski, Soul, Stern, Storm, Sybert, Taylor H. E., Taylor L., Ulrich, Wagandt, Webb, Weidemeyer, Willis, Willoner, Winslow.

Total -- 86

Not Voting

Delegates --

Tawes, James, Abramson, Bard, Baumann, Beall, Boyer, Cleveland, Dabrowski, Fox, Frederick, Gullett, Kahl, Kirkland, Leitzel, Malkus, Maurer, Miller E. T., Murphy, Needle, Price, Ritter, Schloeder, Smith J. H., Vecera.

Total -- 25

Amendment No. 33 to Committee Recommendation No. JB-1 -- By Delegate Gleason from the floor. The amendment was duly seconded.

In Section 5.14, Nomination and Appointment, strike out lines 38 through 45, inclusive, and insert in lieu thereof the following:

"The Governor shall, with the advice and consent of the Senate, fill a vacancy in the office of judge. Prior to submitting the name of his appointee to the Senate, the Governor shall receive a list of no fewer than three nor more than five eligible persons nominated by a judicial nominating commission. If the Governor fails ".

On page 4, line 46, delete the words, "one of the nominees."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

Anderson, Blair, Boileau, Burdette, Caldwell, Cardin, Della, Dorsey, Eckenrode, Gleason, Grant, Groh, Harkness, Harris, Hickman, Hostetter, Hutchinson, Johnson, Kahl, Kirkland, Kosakowski, Linton, Malkus, Mason, Miller B., Mitchell, Murray E. C., Penniman, Peters, Rush, Rybczynski, Schloeder, Sosnowski, Soul, Storm, Webb, Weidemeyer, Wheatley, White.

Total -- 39

Negative

Delegates --

President, Tawes, Clark J., James, Adkins, Armor, Bamberger, Barrick, Beachley, Bennett, Borom, Bothe, Boyce, Boyles, Bradshaw, Bryson, Burgess, Bushong, Buzzell, Byrnes, Carson, Case, Child, Cicone, Clagett, Clarke E. J., Dukes, Dulany, Finch, Fornos, Gallagher, Gilchrist, Grumbacher, Hanson, Hardwicke, Hargrove, Henderson, Hopkins, Jett, Key, Kiefer, Koger, Koss, Lord, Macdonald, Marion, Maurer, Mentzer, Morgan, Moser, Mosner, Mudd, Murray D. S., Neilson, Neumann, Powers, Pullen, Raley, Robey F. C., Robie E. L., Rollins, Rosenstock, Schneider, Sherbow, Sickles, Singer, Smith A. W., Smith J. H., Smith M. H., Sollins, Stern, Sybert, Taylor H. E., Ulrich, Wagandt, Willis, Willoner, Winslow.

Total -- 78

Not Voting

Delegates --

Abramson, Bard, Baumann, Beall, Boyer, Chabot, Cleveland, Dalrowski, Darby, Fox, Frederick, Freedlander, Gill, Gullett, Leitzel, Miller E. T., Murphy, Needle, Pascal, Price, Ritter, Scanlan, Siewierski, Taylor L., Vecera.

Total -- 25

Delegate Powers moved, duly seconded, that the Committee of the Whole rise and report to the Convention that it has not finished consideration of Committee Recommendation No. JB-1.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

At 10:48 o'clock P. M. the Convention resumed its session.

The President reported to the Convention that the Committee of the Whole is considering Committee Recommendation No. JB-1, and desires to sit again on the matter.

At 10:49 o'clock P. M., on motion of Mr. Powers, duly seconded, the Convention adjourned until Tuesday, November 21, 1907, at 10:00 o'clock A. M.

CONSTITUTIONAL CONVENTION OF MARYLAND

JOURNAL OF PROCEEDINGS

Annapolis, Maryland
Tuesday, Nov. 21, 1967

The Convention met at 10:00 o'clock A.M.

Invocation was offered by Rev. Wayne McCoy, Catonsville
Presbyterian Church, Catonsville, Maryland.

Present at roll call were the following delegates:

President, Tawes, Clark J., James, Abramson, Adkins, Anderson,
Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall,
Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Boyles,
Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes,
Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett,
Clark E.J., Dabrowski, Darby, Della, Dorsey, Dukes, Dulany,
Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander,
Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher,
Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris,
Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett,
Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski,
Koss, Leitzel, Linton, Lord, Macdonald, Malkus, Marion,
Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser,
Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Needle,
Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price,
Pullen, Raley, Ritter, Robey F.C., Robie K.L., Rollins,
Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider,
Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H.,
Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert,
Taylor H.E., Taylor L., Ulrich, Vecera, Wagandt, Webb,
Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total--140

REPORT OF COMMITTEE ON CALENDAR AND AGENDA

Mr. Powers, Chairman of the Committee on Calendar and Agenda,
reported the daily calendar and agenda.

WHICH WAS READ AND ADOPTED BY VOICE VOTE.

At 10:17 o'clock A.M., Delegate Powers, duly seconded, moved
that the Convention resolve itself into the Committee of the Whole
to consider the General Orders of the Day.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

COMMITTEE OF THE WHOLE GENERAL ORDERS OF THE DAY

Mr. Eney presided.

Consideration of Committee Recommendation JB-1

Amendment No. 34 To Committee Recommendation No. JB-1: By Delegates James, Clark, Raley from the floor the amendment was duly seconded.

In Section 5.16, Trial Courts Nominating Commission, strike out the word "five" and insert in lieu thereof the word "six"; and

In lines 22 and 23, strike out the following ", and one judge";

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Tawes, Clark, J., James, Adkins, Anderson, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clarke, E.J., Darby, Dorsey, Dulany, Eckenrode, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Gill, Grant, Groh, Grumbacher, Gullett, Hardwicke, Hargrove, Harkness, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Kiefer, Kirkland, Koger, Kosakowski, Koss, Litzel, Linton, Macdonald, Marion, Mason, Maurer, Mentzer, Miller, B., Mitchell, Morgan, Moser, Mosner, Murphy, Murray, D.S., Murray, E.C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Price, Pullen, Raley, Ritter, Robey, F.C., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith, A.W., Smith, J.H., Sollins, Soul, Stern, Storm, Sybert, Taylor, H.E., Taylor, L., Ulrich, Wagandt, Webb, Weidemeyer, White, Willis, Willoner.
Total--115

Negative

Delegates--

Byrnes, Clagett, Smith, M.H. Total--3

Not Voting

Delegates--

President, Abramson, Armor, Boyles, Cleveland, Dabrowski, Della, Dukes, Finch, Frederick, Gleason, Hanson, Harris, Key, Lord, Malkus, Miller, E.T., Mudd, Powers, Robie, K.L., Sosnowski, Vecera, Wheatley, Winslow. Total--24

Amendment No. 35 To Committee Recommendation No. JB-1: By Delegate Sollins from the floor. The amendment was duly seconded.

In Section 5.17, Lawyer Members of Nominating Commissions, after the word "elected" in each instance insert the words "by secret ballot".

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

President, Tawes, Clark, J., James, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Cardin, Case, Chabot, Child, Cicone, Clagett, Clarke, E.J., Darby, Dorsey, Dulany, Fornos, Fox, Freedlander, Gilchrist, Gill, Grant, Groh, Grumbacher, Gullett, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Johnson, Kiefer, Koger, Kosakowski, Koss, Litzel, Linton, Marion, Maurer, Mentzer, Miller, B., Mitchell, Morgan, Mosner, Murphy, Murray, D.S., Murray, E.C., Needle, Neilson, Neumann, Pascal, Penniman, Powers, Price, Pullen, Raley, Ritter, Robey, F.C., Rollins, Rosenstock, Rybczynski, Scanlan, Schloeder, Sherbow, Sickles, Singer, Smith, A.W., Smith, J.H., Smith, M.H., Sollins, Soul, Stern, Storm, Sybert, Taylor, H.E., Taylor, L., Ulrich, Webb, Weidemeyer, White, Willis, Willoner, Winslow.

Total--108

Negative

Delegates--

Caldwell, Jett, Kahl, Mason, Moser, Peters, Rush, Schneider.

Total--8

Not Voting

Delegates--

Abramson, Boyles, Carson, Cleveland, Labrowski, Della, Dukes, Eckenrode, Finch, Frederick, Gallagher, Gleason, Hanson, Key, Kirkland, Lord, Macdonald, Malkus, Miller, E.T., Mudd, Robie, K.L., Siewierski, Sosnowski, Vecera, Wagandt, Wheatley.

Total--26

Amendment No. 36 To Committee Recommendation No. JB-1: By Delegates Adkins, Fornos from the floor. The amendment was duly seconded.

In Section 5.17, Lawyer Members of Nominating Commissions strike out the word "rule" and insert in lieu thereof the word "law".

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Tawes, Clark, J., James, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Clarke, E.J., Darby, Della, Dorsey, Eckenrode, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Harkness, Harris, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Koger, Kosakowski, Koss, Leitzel, Linton, Macdonald, Mason, Maurer, Mentzer, Miller, B., Mitchell, Morgan, Moser, Mosner, Murphy, Murray, E.C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Price, Pullen, Raley, Ritter, Robey, F.C. Rollins, Rush, Rybczynski, Scanlan, Schloeder, Sherbow, Sickles, Siewierski, Singer, Smith, A.W., Sollins, Soul, Stern, Storm, Taylor, H.E., Taylor, L., Ulrich, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner. Total--106

Negative

Delegates--

President, Bradshaw, Cicone, Clagett, Dulany, Gullett, Hardwicke, Hargrove, Henderson, Kiefer, Lord, Marion Mudd, Murray, D.S., Powers, Rosenstock, Schneider, Smith, J.H., Smith, M.H., Sybert, Winslow. Total--21

Not Voting

Delegates--

Abramson, Baumann, Boyles, Cleveland, Dabrowski, Dukes, Finch, Frederick, Hanson, Kirkland, Malkus, Miller, E.T., Robie, K.L., Sosnowski, Vecera Total--15

Amenament No. 37 To Accompany Minority Report JB-1; To Committee Recommendation No. JB-1: By Delegates Johnson, Harkness, Hickman, Kanl, Murphy, Siewierski, Rush, and Mitchell from the floor, the amendment was duly seconded.

Strike out all of Section 5.19, Judicial Member of Nominating Commissions.

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

President, Tawes, Clark, J., James, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Beachley, Beall, Bennett, Blair, Boileau, Borom, Boyce, Boyer, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke, E.J., Darby, Dorsey, Dulany, Eckenrode, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller, B., Mitchell, Morgan, Moser, Mosner, Murphy, Murray, D.S., Murray, E.C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Robey, F.C., Robie, K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith, A.W., Smith, J.H., Smith, M.H., Sollins, Soul, Stern, Storm, Sybert, Taylor, H.E., Taylor, L., Ulrich, Wagandt, Webb, Weideneyer, Wheatley, White, Willis, Willoner, Winslow. Total--124

Negative

Delegates--

None Total--0

Not Voting

Delegates--

Abramson, Baumann, Bothe, Boyles, Cleveland, Dabrowski, Della, Dukes, Finch, Frederick, Hanson, Kirkland, Malkus, Miller, E.T., Mudd, Ritter, Sosnowski, Vecera. Total--18

Amendment No. 38 to Committee Recommendation No. JB-1: By Delegate Mudd from the floor the amendment was duly seconded.

In Section 5.20, Rules Governing Nominating Commissions, strike out in each instance the word "non-judicial".

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

President, Tawes, Clark, J., James, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Caldwell, Cardin, Carson,

Affirmative (Con't)

Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Della, Dorsey, Dulany, Eckenrode, Fornos, Fox, Freedlander, Gallagher, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Koger, Kosakowski, Leitzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Pascal, Peters, Powers, Price, Pullen, Raley, Robey F.C., Robie F.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Wagandt, Webb, Weidemever, Wheatley, White, Willis, Willoner, Winslow. Total--124

Negative

Delegates--

Byrnes.

Total--1

Not Voting

Delegates--

Abramson, Boyles, Cleveland, Dukes, Finch, Frederick, Gilchrist, Hanson, Kirkland, Koss, Malkus, Miller E.T., Mudd, Neumann, Penniman, Ritter, Vecera. Total--17

Amendment No. 39 to Committee Recommendation No. JB-1: By Delegate Mudd from the floor the amendment was duly seconded.

In Section 5.20, Rules Governing Nominating Commissions, add this new sentence:

"A member of a commission shall receive no compensation for his services."

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

President, Tawes, Clark J., James, Adkins, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Child, Cicone, Clagett, Clarke E.J., Darby, Della, Dorsey, Dulany, Eckenrode, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Gullett, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Leitzel, Lord, Macdonald, Marion, Mason, Maurer, Mentzer,

Affirmative (con't)

Miller, B., Mitchell, Morgan, Moser, Mosner, Mudd, Murray, D.S.,
Murray, E.C., Needle, Neilson, Pascal, Penniman, Peters, Powers,
Pullen, Robie, K.L., Rosenstock, Rush, Rybczynski, Scanlan,
Schloeder, Sherbow, Sickles, Siewierski, Singer, Smith, A.W.,
Smith, J.H., Smith, M.H., Sosnowski, Soul, Stern, Sybert,
Taylor, H.E., Taylor, L., Ulrich, Wagandt, Webb, Weidemeyer,
Wheatley, White, Willis, Willoner, Winslow.

Total--113

Negative

Delegates--

Anderson, Chabot, Fox, Raley, Sollins, Storm. Total--6

Not Voting

Delegates--

Abramson, Boyer, Boyles, Cleveland, Dabrowski, Dukes, Finch,
Fornos, Grumbacher, Hanson, Hostetter, Koss, Linton, Malkus,
Miller, E.T., Murphy, Neumann, Price, Ritter, Robey, F.C.,
Rollins, Schneider, Vecera. Total--23

Amendment No. 40 To Committee Recommendation No. JB-1: By
Delegate Malkus from the floor the amendment was duly seconded.

In Section 5.20, Rules Governing Nominating Commissions,
add this new sentence:

"All meetings of commissions shall be public meetings and
shall be open to the public and the press."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Baumann, Boyer, Eckenrode, Finch, Fornos, Frederick, Gill,
Gleason, Grant, Harris, Hickman, Hutchinson, Koger, Malkus,
Mason, Murphy, Rush, Rybczynski, Soul, Storm, Vecera, Wheatley.
Total--22

Negative

Delegates--

President, Tawes, Clark, J., James, Adkins, Armor, Bamberger,
Bard, Barrick, Beachley, Beall, Bennett, Blair, Boileau, Borom,
Bothe, Boyce, Bradshaw, Bryson, Burdette, Burgess, Bushong,
Buzzell, Byrnes, Cardin, Carson, Case, Chabot, Child, Cicone,
Clagett, Clarke, E.J., Dabrowski, Darby, Della, Dukes, Dulany,
Fox, Freedlander, Gallagher, Gilchrist, Grumbacher, Gullet,
Hardwicke, Hargrove, Henderson, Hopkins, Hostetter, Jett,

Negative (Con't)

Johnson, Kahl, Key, Kiefer, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Marion, Maurer, Mentzer, Miller, B., Mitchell, Morgan, Moser, Mosner, Mudd, Murray, D.S., Murray, E.C., Needle, Neilson, Neumann, Penniman, Powers, Price, Pullen, Raley, Ritter, Robey, F.C., Robie, K.L., Rollins, Rosenstock, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith, A.W., Smith, J.H., Smith, M.H., Sollins, Stern, Sybert, Taylor, H.E., Taylor, L., Ulrich, Wagandt, White, Willis, Willoner, Winslow. Total--104

Not Voting

Delegates--

Abramson, Anderson, Boyles, Caldwell, Cleveland, Dorsey, Groh, Hanson, Harkness, Kirkland, Miller, E.T., Pascal, Peters, Sosnowski, Webb, Weidemeyer. Total--16

Amendment No. 41 to Accompany Minority Report No. JB-1; To Committee Recommendation No. JB-1; By Delegates Johnson, Harkness, Hickman, Kahl, Murphy, Siewierski, Rush from the floor the amendment was duly seconded.

In Section 5.21, beginning at line 26, strike out through the period in line 43, and insert in lieu thereof the following:

"Section 5.21 Term of Office of Judges of Appellate Courts. The continuance in office of each judge of the Court of Appeals and the Intermediate Appellate Court shall be subject to approval or rejection by the electorate at the next general election following the expiration of two years from the date of his appointment and every 10 years thereafter so long as he retains his office. The continuance of office of such judges shall be subject to approval or rejection by the electorate of the entire State."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Abramson, Anderson, Barrick, Baumann, Beall, Blair, Boyer, Caldwell, Dabrowski, Darby, Della, Dorsey, Eckenrode, Finch, Frederick, Gleason, Grant, Harkness, Harris, Hickman, Hostetter, Hutchinson, Johnson, Kahl, Kirkland, Koger, Linton, Mason, Murphy, Peters, Rush, Rybczynski, Sosnowski, Soul, Storm, Vecera, Webb, Wheatley. Total--38

Negative

Delegates--

President, Clark J., James, Armor, Bamberger, Bard, Beachley, Bennett, Boileau, Borom, Bothe, Boyce, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Cardin, Carson, Case, Cicone, Clagett, Clarke E.J., Dukes, Dulany, Fox, Freedlander, Gallagher, Gilchrist, Gill, Grumbacher, Gullett, Hardwicke, Hargrove, Henderson, Hopkins, Jett, Key, Kiefer, Kosakowski, Koss, Leitzel, Lord, Macdonald, Marion, Maurer, Mentzer, Morgan, Moser, Mosner, Mudd, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Penniman, Powers, Price, Pullen, Raley, Ritter, Robey F.C., Robie K.L., Rollins, Rosenstock, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Stern, Sybert, Taylor H.E., Taylor L., Ulrich, Wagandt, White, Willis, Winslow.

Total--88

Not Voting

Delegates--

Tawes, Adkins, Boyles, Chabot, Child, Cleveland, Fornos, Groh, Hanson, Malkus, Miller, B., Miller, E.T., Mitchell, Pascal, Weidemeyer, Willoner.

Total--16

Amendment No. 42 To Committee Recommendation No. JB-1; By Delegate Weidemeyer from the floor the amendment was duly seconded.

In Section 5.21, Term of Office of Judge, strike out line 41 and insert in lieu thereof the following:

"be determined in a general election by the elec-"; and

after line 43 insert:

"electorate shall have the choice of approving the incumbent judge or any opponent who may file against him, or of rejecting all the candidates on the ballot. The "; and

strike out the last sentence in the section and insert in lieu thereof the following:

"A plurality of the votes cast shall determine the election. If a plurality of the votes are cast in favor of the rejection of all candidates, then no candidate shall be elected and a vacancy shall exist."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Blair, Boyer, Caldwell, Child, Darby, Dorsey, Eckenrode,
Finch, Frederick, Grant, Harkness, Hickman, Hostetter, Hutchinson,
Koger, Mitchell, Rush, Rybczynski, Sosnowski, Soul, Vecera,
Weidemeyer, Wheatley. Total--23

Negative

Delegates--

President, Clark, J., James, Adkins, Armor, Bamberger, Bard,
Barrick, Beachley, Beall, Bennett, Bothe, Boyce, Bradshaw,
Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Cardin,
Carson, Case, Chabot, Cicone, Clagett, Clarke, E.J., Dabrowski,
Dukes, Dulany, Fox, Freedlander, Gallagher, Gilchrist, Gill,
Gleason, Groh, Grumbacher, Gullett, Hardwicke, Hargrove, Harris,
Henderson, Hopkins, Jett, Key, Koss, Leitzel, Linton, Macdonald,
Marion, Mason, Maurer, Mentzer, Miller, B., Morgan, Moser, Mosner,
Mudd, Murray, D.S., Murray, E.C., Needle, Neilson, Neumann,
Penniman, Peters, Powers, Price, Pullen, Raley, Ritter, Robey, F.C.,
Robie, K.L., Rollins, Rosenstock, Scanlan, Schloeder, Schneider,
Sherbow, Sickles, Singer, Smith, A.W., Smith, J.H., Smith, M.H.,
Sollins, Sybert, Taylor, H.E., Taylor, L., Ulrich, Wagandt,
White, Willis, Winslow. Total--93

Not Voting

Delegates--

Tawes, Abramson, Anderson, Baumann, Boileau, Borom, Boyles,
Cleveland, Della, Fornos, Hanson, Johnson, Kahl, Kiefer, Kirkland,
Kosakowski, Lord, Malkus, Miller, E.T., Murphy, Pascal,
Siewierski, Stern, Storm, Webb, Willoner. Total--26

Delegate Powers, duly seconded, moved that the Committee
of the Whole rise and report to the Convention that considera-
tion of Committee Recommendation JB-1 is not concluded.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE

At 1:00 o'clock P.M. the Convention resumed its session.

The President reported to the Convention that the Committee
of the Whole has under consideration Committee Recommendation
B-1 and desires to sit again on the matter.

At 1:01 o'clock P.M. on motion of Delegate Powers, the
Convention took a recess until 2:30 o'clock P.M.

At 2:30 P.M. the Convention resumed its session.

Present at roll call were the following delegates:

President, Tawes, Clark, J., James, Anderson, Armor, Bamberger, Bard, Barrick, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyer, Bradshaw, Bryson, Burdette, Bushong, Buzzell, Caldwell, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke, E.J., Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Litzel, Macdonald, Marion, Mason, Maurer, Mentzer, Miller, B., Mitchell, Moser, Mosner, Mudd, Murray, E.C., Needle, Neumann, Pascal, Peters, Powers, Price, Raley, Robey, F.C., Robie, K.L., Rollins, Rosenstock, Rush, Scanlan, Schneider, Sherbow, Siewierski, Smith, A.W., Smith, J.H., Smith, M.H., Sollins, Sosnowski, Sybert, Taylor, L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Winslow.

Total--108

REPORTS OF OTHER STANDING COMMITTEES

Minority Report No. GP-6 (A)

By Delegates Boyer, Lord, Jett, Key, Singer, Clarke, Caldwell, of the Committee On General Provisions.

This Minority Report relates to Committee Recommendation No. GP-6.

A MINORITY REPORT that Sections 8.03 and 8.04 of the new Constitution provide for public and higher education.

* * *

MINORITY REPORT GP-6 (A) WAS RECEIVED BY THE CONVENTION.

At 2:35 P.M. Delegate Powers, duly seconded, moved that the Convention resolve itself into a Committee of the Whole.

SAID MOTION PREVAILED BY YEAS AND NAYS BY VOICE VOTE.

COMMITTEE OF THE WHOLE GENERAL ORDERS OF THE DAY

Consideration of Committee Recommendation JB-1

Amendment No. 43 to Committee Recommendation No. JB-1: By Delegate Bennett from the floor.

In Section 5.21, Term of Office of Judge, strike out the sentence in lines 43 through 50, inclusive.

The amendment was duly seconded.

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Clark, J., James, Abramson, Bamberger, Bard, Barrick, Beachley, Bennett, Boileau, Borom, Bothe, Bryson, Burdette, Buzzell, Caldwell, Cardin, Carson, Case, Chabot, Child, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Hardwicke, Harkness, Harris, Hostetter, Hutchinson, Kahl, Key, Koss, Leitzel, Mason, Maurer, Miller, B., Mitchell, Moser, Murphy, Murray, E.C., Peters, Powers, Price, Ritter, Robey, F.C., Rush, Rybczynski, Scanlan, Schloeder, Sybert, Taylor, L., Vecera, Webb. Total--56

Negative

Delegates--

President, Adkins, Anderson, Armor, Baumann, Beall, Blair, Boyce, Boyer, Bradshaw, Bushong, Burnes, Cicone, Clagett, Clarke, E.J., Dabrowski, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Hargrove, Henderson, Hickman, Hopkins, Jett, Johnson, Kiefer, Kirkland, Koger, Lord, Macdonald, Marion, Morgan, Mosner, Mudd, Murray, D.S., Needle, Neilson, Penniman, Pullen, Raley, Robie, K.L., Rollins, Rosenstock, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith, A.W., Smith, J.H., Smith, M.H., Sollins, Sosnowski, Soul, Taylor, H.E., Ulrich, Wagandt, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow. Total--71

Not Voting

Delegates--

Tawes, Boyles, Burgess, Cleveland, Gullett, Hanson, Kosakowski, Linton, Malkus, Mentzer, Miller, E.T., Neumann, Pascal, Stern, Storm. Total--15

Amendment No. 44 to Committee Recommendation No. JB-1: By Delegates Clark and Raley from the floor.

In Section 5.21, Term of Office of Judge, strike out the numerals "10" and insert in lieu thereof the numeral "8".

The amendment was duly seconded.

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Tawes, Clark, J., James, Abramson, Anderson, Bamberger, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Burdette, Burgess, Bushong, Buzzell, Cardin, Carson, Chabot, Dabrowski, Darby, Eckenrode, Finch, Fornos, Frederick, Gallagher, Gill, Gleason, Grant, Groh, Grumbacher, Harris, Hickman, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kirkland, Koger, Kosakowski, Leitzel, Lord, Macdonald, Mason, Maurer, Mentzer, Miller, B., Mitchell, Morgan, Murphy, Murray, E.C., Pascal, Peters, Price, Raley, Ritter, Robey, F.C., Rush, Scanlan, Schloeder, Schneider, Siewierski, Smith, A.W., Smith, J.H., Sollins, Soul, Stern, Sybert, Taylor, H.E., Taylor, L., Ulrich, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner. Total--83

Negative

Delegates--

President, Adkins, Armor, Bard, Barrick, Baumann, Bradshaw, Bryson, Caldwell, Child, Cicone, Clagett, Della, Dorsey, Dukes, Dulany, Fox, Freedlander, Gilchrist, Hargrove, Harkness, Henderson, Hopkins, Koss, Marion, Moser, Mosner, Mudd, Murray, D.S., Needle, Neilson, Neumann, Powers, Pullen, Robie, K.L., Rollins, Rosenstock, Rubczynski, Sherbow, Sickles, Singer, Smith, M.H., Vecera, Winslow. Total--44

Not Voting

Delegates--

Boyles, Eyrnes, Case, Clarke, E.J., Cleveland, Gullett, Hanson, Hardwicke, Kiefer, Linton, Malkus, Miller, E.T., Penniman, Sosnowski, Storm. Total--15

Amendment No. 45 to Committee Recommendation No. JB-1: By Delegates Adkins, Case from the floor.

In Section 5.21, Term of Office of Judge, strike out the word "shall" and insert in lieu thereof the word "may".

The amendment was duly seconded.

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Tawes, Clark J., James, Abramson, Adkins, Bamberger, Bard, Barrick, Beachley, Beall, Bennett, Blair, Borom, Bothe, Boyce, Burdette, Buzzell, Caldwell, Cardin, Carson, Case, Chabot, Child, Dabrowski, Darby, Della, Dorsey, Dulany, Eckenrode, Finch, Gilchrist, Gill, Hutchinson, Koger, Mason, Miller B., Mitchell, Moser, Mosner, Murphy, Murray E.C., Peters, Powers, Price, Raley, Ritter, Robey F.C., Rollins, Rybczynski, Scanlan, Soul, Sybert, Taylor L., Vecera, Webb, Willis. Total--56

Negative

Delegates--

Anderson, Boileau, Boyer, Bradshaw, Bryson, Burgess, Bushong, Byrnes, Cicone, Clagett, Clarke E.J., Dukes, Fornos, Fox, Frederick, Freedlander, Gallagher, Gleason, Grant, Groh, Grumbacher, Hargrove, Harkness, Harris, Hickman, Hopkins, Hostetter, Jett, Johnson, Kahl, Kirkland, Kosakowski, Koss, Leitzel, Lord, Macdonald, Marion, Maurer, Morgan, Mudd, Murray D.S., Needle, Neilson, Pascal, Penniman, Pullen, Robie, K.L., Rosenstock, Rush, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski, Stern, Taylor H.E., Ulrich, Wagandt, Weidemeyer, White, Willoner, Winslow. Total--67

Not Voting

Delegates--

President, Armor, Baumann, Boyles, Cleveland, Gullett, Hanson, Hardwicke, Henderson, Key, Kiefer, Linton, Malkus, Mentzer, Miller E.T., Neumann, Schloeder, Storm, Wheatley. Total--19

At 3:40 P.M. Mr. Eney turned the chair over to the 1st Vice President James Clark.

Amendment No. 46 to accompany Minority Report JB-1 to Committee Recommendation No. JB-1: By Delegates Johnson, Harkness, Hickman, Kahl, Murphy, Siewierski, Rush from the floor.

In Section 5.22, Retirement of Judges, strike out all of lines 7 through 10, inclusive.

The amendment was duly seconded.

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Anderson, Borom, Boyce, Darby, Della, Dorsey, Harkness, Harris,
Hickman, Hostetter, Johnson, Kahl, Key, Kosakowski, Murphy,
Peters, Rush, Rybczynski, Siewierski, Sosnowski, Sybert,
Vecera. Total--22

Negative

Delegates--

President, Tawes, Clark, J., James, Abramson, Adkins, Armor,
Bamberger, Bard, Barrick, Beachley, Beall, Bennett, Bothe,
Boyer, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell,
Byrnes, Cardin, Case, Chabot, Child, Cicone, Clagett, Clarke, E.J.,
Dabrowski, Dukes, Dulany, Eckenrode, Finch, Fox, Frederick,
Freedlander, Gilchrist, Gill, Gleason, Grant, Groh,
Grumbacher, Hardwicke, Hargrove, Hopkins, Hutchinson, Jett,
Koss, Litzel, Macdonald, Marion, Maurer, Mentzer, Miller, B.,
Morgan, Mosner, Mudd, Murray, D.S., Murray, E.C., Needle, Neilson,
Neumann, Penniman, Powers, Price, Pullen, Raley, Ritter,
Robey, F.C., Robie, K.L., Rollins, Rosenstock, Scanlan, Schloeder,
Schneider, Sherbow, Sickles, Singer, Smith, A.W., Smith, J.H.,
Smith, M.H., Sollins, Soul, Stern, Taylor, H.E., Taylor, L.,
Ulrich, Wagandt, Webb, Weidemeyer, White, Willoner, Winslow.
Total--94

Not Voting

Delegates--

Baumann, Blair, Boileau, Boyles, Caldwell, Carson, Cleveland,
Fornos, Gallagher, Gullett, Hanson, Henderson, Kiefer, Kirkland,
Koger, Linton, Lord, Malkus, Mason, Miller, E.T., Mitchell,
Moser, Pascal, Storm, Wheatley, Willis. Total--26

At 4:00 P.M. Mr. Eney returned to the Committee as Chairman.

Amendment No. 47 to accompany Minority Report JB-1 to Committee
Recommendation No. JB-1: By Delegates Johnson, Harkness, Hickman,
Kahl, Murphy, Siewierski, Rush from the floor.

In Section 5.24, Restriction of Non-Judicial Activities strike
out the words: "or make any contribution to".

The amendment was duly seconded.

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Clarke, E.J., Darby, Eckenrode, Harkness, Hickman, Hopkins,
Hostetter, Johnson, Kahl, Kosakowski, Ritter, Rush, Rybczynski,
Siewierski, Webb, Weidemeyer. Total--16

Negative

Delegates--

President, Tawes, Clark J., James, Adkins, Armor, Bard,
Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce,
Boyer, Bradshaw, Bryson, Burdette, Bushong, Buzzell, Burnes
Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett,
Dukes, Dulany, Finch, Fornos, Fox, Freedlander, Gallagher,
Gilchrist, Gill, Gleason, Grant, Groh, Hardwicke, Harris,
Henderson, Jett, Koger, Koss, Leitzel, Lord, Macdonald, Marion,
Maurer, Morgan, Moser, Mosner, Mudd, Murray D.S., Murray E.C.,
Needle, Neilson, Neumann, Penniman, Powers, Price, Pullen,
Raley, Robey F.C., Robie K.L., Rollins, Rosenstock, Scanlan,
Schloeder, Schneider, Sherbow, Sickles, Singer, Smith A.V.,
Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Sybert,
Taylor H.E., Ulrich, Wagandt, White, Willis, Willoner, Winslow.
Total--92

Not Voting

Delegates--

Abramson, Anderson, Bamberger, Barrick, Baumann, Boyles, Burgess,
Cleveland, Dabrowski, Della, Dorsey, Frederick, Grumbacher,
Gullett, Hanson, Hargrove, Hutchinson, Key, Kiefer, Kirkland,
Linton, Malkus, Mason, Mentzer, Miller B., Miller E.T., Mitchell,
Murphy, Pascal, Peters, Storm, Taylor L., Vecera, Wheatley.
Total--34

Amendment No. 48 to Committee Recommendation No. JB-1: By
Delegates Marion from the floor.

In Section 5.24, Restriction of Non-Judicial Activities,
strike out ", or receive any remuneration for his judicial
service except as provided herein".

The amendment was duly seconded.

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

James, Bamberger, Bard, Barrick, Beall, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Caldwell, Cardin, Carson, Chabot, Eckenrode, Freedlander, Gallagher, Gilchrist, Gill, Groh, Harris, Henderson, Key, Koger, Koss, Leitzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller, B., Moser, Mosner, Murray, D.S., Murray, E.C., Needle, Neilson, Raley, Robie, K.L., Rollins, Scanlan, Singer, Smith, J.H., Smith, M.H., Sollins, Soul, Stern, Sybert, Taylor, L., Wagandt, White, Willis, Willoner, Winslow.

Total--57

Negative

Delegates--

President, Tawes, Clark, J., Adkins, Anderson, Armor, Beachley, Bennett, Blair, Boileau, Borom, Bothe, Boyer, Case, Child, Cicone, Clagett, Clarke, E.J., Darby, Della, Dorsey, Dukes, Dulany, Finch, Fornos, Gleason, Grant, Hardwicke, Hargrove, Harkness, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Kahl, Kiefer, Kirkland, Kosakowski, Morgan, Mudd, Penniman, Peters, Powers, Price, Pullen, Ritter, Robey, F.C., Rosenstock, Rush, Rybczynski, Schneider, Sherbow, Sickles, Siewierski, Smith, A.W., Taylor, H.E., Ulrich, Webb, Weidemeyer.

Total--60

Not Voting

Delegates--

Abramson, Baumann, Boyce, Boyles, Burgess, Bushong, Cleveland, Dabrowski, Fox, Frederick, Grumbacher, Gullett, Hanson, Johnson, Malkus, Miller, E.T., Mitchell, Murphy, Neumann, Pascal, Schloeder, Sosnowski, Storm, Vecera, Wheatley.

Total--25

Amendment No. 49 to accompany Minority Report No. JB-1 to Committee Recommendation No. JB-1: By Delegates Johnson, Harkness, Hickman, Kahl, Murphy, Siewierski, Rush from the floor.

After Section 5.24, add the following section: "Restriction of Judicial Activities. No judge shall sit in any case wherein he shall have been of counsel in the case, or wherein he may have an interest in a case in such manner as shall be prescribed by rule, or where any of the parties to a case are related to him within such degrees as shall be prescribed by rule."

The amendment was duly seconded.

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Anderson, Blair, Darby, Della, Dorsey, Eckenrode, Gill, Harris,
Hickman, Hutchinson, Johnson, Kahl, Kirkland, Koger, Kosakowski,
Mitchell, Peters, Ritter, Rush, Rybczynski, Schneider, Siewierski,
Sosnowski, Webb. Total--24

Negative

Delegates--

President, Clark, J., James, Adkins, Armor, Bard, Barrick, Beachley,
Beall, Bennett, Boileau, Boyer, Bradshaw, Bryson, Burdette,
Buzzell, Byrnes, Cardin, Case, Chabot, Child, Cicone, Clagett,
Dulany, Finch, Fox, Freedlander, Gallagher, Gilchrist, Gleason,
Grant, Hardwicke, Hargrove, Henderson, Hopkins, Jett, Koss,
Linton, Macdonald, Marion, Maurer, Mentzer, Miller, B., Moser,
Mosner, Mudd, Murray, D.S., Needle, Neumann, Pascal, Powers,
Price, Raley, Robey, F.C., Robie, K.L., Rollins, Rosenstock,
Scanlan, Sherbow, Singer, Smith, A.W., Smith, J.H., Smith, M.H.,
Sollins, Soul, Stern, Sybert, Ulrich, Wagandt, White, Willoner,
Winslow. Total--72

Not Voting

Delegates--

Tawes, Abramson, Bamberger, Baumann, Borom, Bothe, Boyce, Boyles,
Burgess, Bushong, Caldwell, Carson, Clarke, E.J., Cleveland,
Dabrowski, Dukes, Fornos, Frederick, Groh, Grumbacher, Gullett,
Hanson, Harkness, Hostetter, Key, Kiefer, Leitzel, Lord,
Malkus, Mason, Miller, E.T., Morgan, Murphy, Murray, E.C.,
Neilson, Penniman, Pullen, Schloeder, Sickles, Storm, Taylor, H.E.,
Taylor, L., Vecera, Weidemeyer, Wheatley, Willis. Total--46

Amendment No. 50 to accompany Minority Report JB-1 to Committee
Recommendation No. JB-1: By Delegates Johnson, Harkness, Hickman,
Kahl, Murphy, Siewierski, Rush from the floor. The amendment was
duly seconded.

In Section 5.26, Commission on Judicial Disabilities, strike
out "one lay person, and one lawyer" and insert in lieu thereof
the following: "two lay persons, and two lawyers".

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates

Clark, J., Anderson, Beachley, Chabot, Darby, Della, Dorsey, Eckenrode, Fornos, Gleason, Grant, Hardwicke, Harkness, Harris, Hickman, Hostetter, Hutchinson, Johnson, Kahl, Kirkland, Koger, Kosakowski, Linton, Mitchell, Neilson, Neumann, Peters, Rybczynski, Siewierski, Sollins, Sosnowski, Soul, Sybert, Weidemeyer, Wheatley, Willoner.

Total--36

Negative

Delegates--

President, James, Adkins, Armor, Bard, Beall, Borom, Bothe, Boyles, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Cardin, Case, Child, Cicone, Clagett, Clarke, E.J., Dulany, Finch, Fox, Freedlander, Gilchrist, Gill, Hanson, Hargrove, Henderson, Hopkins, Jett, Kiefer, Koss, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller, B., Morgan, Mosner, Mudd, Murray, D.S., Needle, Pascal, Penniman, Powers, Pullen, Raley, Robey, F.C., Robie, K.L., Rollins, Rosenstock, Scanlan, Schloeder, Schneider, Sherbow, Smith, A.W., Smith, J.H., Smith, M.H., Taylor, H.E., Taylor, L., Ulrich, Wagandt, Webb, White, Willis, Winslow.

Total--71

Not Voting

Delegates--

Tawes, Abramson, Bamberger, Barrick, Baumann, Bennett, Blair, Boileau, Boyce, Boyer, Caldwell, Carson, Cleveland, Dabrowski, Dukes, Frederick, Gallagher, Groh, Grumbacher, Gullett, Key, Leitzel, Malkus, Miller, E.T., Moser, Murphy, Murray, E.C., Price, Ritter, Rush, Sickles, Singer, Stern, Storm, Vecera.

Total--35

Amendment No. 51 to Committee Recommendation No. JB-1: By Delegate Marion from the floor the amendment was duly seconded.

In Section 5.28, Rules Governing Commission on Judicial Disabilities, line 14, before the word "shall", insert the following:

", and the means of implementing the powers granted by Section 5.27, ".

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

President, Clark J., James, Adkins, Armor, Bard, Beachley, Beall, Blair, Boileau, Borom, Bothe, Boyles, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Cardin, Carson, Chabot, Cicone, Clagett, Della, Dorsey, Dulany, Eckenrode, Finch, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Gullett, Hanson, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Linton, Lord, Macdonald, Marion, Maurer, Miller B., Morgan, Mosner, Mudd, Murray D.S., Needle, Neilson, Neumann, Penniman, Peters, Powers, Pullen, Raley, Ritter, Robey F.C., Robie K.L., Rollins, Rosenstock, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Soul, Stern, Sybert, Taylor H.E., Ulrich, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total--104

Negative

Delegates--

None

Not Voting

Delegates--

Tawes, Abramson, Anderson, Bamberger, Barrick, Baumann, Bennett, Boyce, Boyer, Caldwell, Case, Child, Clarke E.J., Cleveland, Dabrowski, Darby, Dukes, Frederick, Grumbacher, Hardwicke, Leitzel, Malkus, Mason, Mentzer, Miller E.T., Mitchell, Moser, Murphy, Murray E.C., Pascal, Price, Rush, Rybczynski, Siewierski, Sosnowski, Storm, Taylor L., Vecera.

Total--38

Delegate Bamberger, duly seconded, moved to reconsider the vote by which amendment No. 43 to Committee Recommendation JB-1 was rejected.

SAID MOTION PREVAILED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Clark J., James, Abramson, Adkins, Armor, Bamberger, Bard, Barrick, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Bryson, Burdette, Buzzell, Burnes, Cardin, Carson, Case, Chabot, Child, Clarke E.J., Darby, Della, Dorsey, Dulany, Eckenrode, Fox, Freedlander, Gallagher, Gilchrist, Gleason, Grant, Gullett,

Affirmative (Con't)

Hanson, Hardwicke, Harkness, Harris, Henderson, Hopkins,
Hostetter, Hutchinson, Johnson, Key, Kiefer, Koger, Koss,
Linton, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan,
Moser, Mosner, Murray E.C., Needle, Penniman, Peters, Pullen,
Raley, Robey F.C., Rybczynski, Scanlan, Schloeder, Singer,
Smith A.W., Sollins, Sosnowski, Soul, Sybert, Taylor L., Wheatley,
White, Willis. Total--79

Negative

Delegates--

President, Anderson, Boyer, Boyles, Bradshaw, Burgess, Bushong,
Cicone, Clagett, Finch, Fornos, Gill, Grumbacher, Hargrove,
Hickman, Jett, Kahl, Kirkland, Kosakowski, Lord, Macdonald,
Marion, Mudd, Murray D.S., Neilson, Neumann, Pascal, Powers,
Robie K.L., Rollins, Rosenstock, Schneider, Sherbow, Sickles,
Siewierski, Smith J.H., Smith M.H., Stern, Taylor H.E., Ulrich,
Weidemeyer, Willoner, Winslow. Total--43

Not Voting

Delegates--

Tawes, Baumann, Boyce, Caldwell, Cleveland, Dabrowski, Dukes,
Frederick, Groh, Leitzel, Malkus, Miller E.T., Murphy, Price,
Ritter, Rush, Storm, Vecera, Wagandt, Webb. Total--20

Amendment No. 43 was then before the Committee for considera-
tion.

Amendment No. 43 to Committee Recommendation No. JB-1: By
Delegate Bennett.

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Clark J., James, Abramson, Adkins, Bamberger, Bard, Barrick,
Beachley, Beall, Bennett, Blair, Boileau, Bothe, Bryson, Burdette,
Buzzell, Cardin, Carson, Case, Chabot, Child, Della, Dulany,
Eckenrode, Fox, Freedlander, Gallagher, Gilchrist, Gullett,
Hanson, Hardwicke, Harkness, Harris, Henderson, Hopkins,
Hutchinson, Key, Koger, Koss, Linton, Mason, Maurer, Mentzer,
Miller B., Mitchell, Morgan, Moser, Mosner, Murray E.C., Neumann,
Penniman, Peters, Robey F.C., Rybczynski, Scanlan, Schloeder,
Sosnowski, Sybert, Taylor L., White, Willis. Total--61

Negative

Delegates--

President, Anderson, Armor, Boyer, Boyles, Bradshaw, Burgess, Bushong, Byrnes, Cicone, Clagett, Clarke E.J., Darby, Dorsey, Finch, Fornos, Gill, Gleason, Grant, Groh, Grumbacher, Hargrove, Hickman, Hostetter, Jett, Johnson, Kahl, Kirkland, Kosakowski, Lord, Macdonald, Marion, Mudd, Murray D.S., Needle, Neilson, Pascal, Powers, Pullen, Raley, Ritter, Robie K.L., Rollins, Rosenstock, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Soul, Stern, Taylor H.E., Ulrich, Wagandt, Webb, Weidemeyer, Willoner, Winslow. Total--62

Not Voting

Delegates--

Tawes, Baumann, Borom, Boyce, Caldwell, Cleveland, Dabrowski, Dukes, Frederick, Kiefer, Leitzel, Malkus, Miller E.T., Murphy, Price, Rush, Storm, Vecera, Wheatley. Total--19

Delegate Powers, duly seconded, moved that the Committee of the Whole rise and report to the Convention that it has under consideration Committee Recommendation JB-1.

At 6:02 P.M. the Convention resumed its session.

The President reported to the Convention that the Committee of the Whole is still considering Committee Recommendation JB-1 and desires to sit again on the matter.

At 6:05 o'clock P.M., on motion of Mr. Powers, duly seconded, the Convention adjourned until Wednesday, November 22, 1967, at 10:00 o'clock A.M.

CONSTITUTIONAL CONVENTION OF MARYLAND
JOURNAL OF PROCEEDINGS

Annapolis, Md., Wed, Nov. 22, 1967

The Convention met at 10:00 o'clock A.M.

Invocation was offered by Rev. Carrol R. Gunkel, Trinity Methodist Church, Catonsville, Maryland.

Present at the roll call were the following delegates:

President, Tawes, Clark J., James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Ritter, Robey F.C., Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow. Total--140

REPORT OF COMMITTEE ON CALENDAR AND AGENDA

Mr. Powers, Chairman of the Committee on Calendar and Agenda, reported the daily calendar and agenda.

WHICH WAS READ AND ADOPTED BY VOICE VOTE.

MOTIONS AND RESOLUTIONS

Resolution No. 22-- By Delegate Gallagher

A RESOLUTION to provide for a system of self-restraint in the presentation of amendments by members of the Constitutional Convention, to fine members whose amendments fail of passage and to dispose of these fines.

WHEREAS, the Constitutional Convention of Maryland finds itself from time to time adrift upon a turbulent sea of words; and

WHEREAS, these words spring forth following the introduction of numerous and diverse amendments, some of questionable value and of trifling consequence; and

WHEREAS, it behooves the Convention to find a salutary device to impose self-restraint upon its membership and to reduce the torrent of amendments offered in superabundance; not therefore, be it

RESOLVED BY THE CONSTITUTIONAL CONVENTION that this Convention adopt the following resolution after full and complete debate (three minutes of controlled time being afforded to the proponents and three minutes of uncontrolled time being afforded the opponents); and be it further

RESOLVED, that the following schedule of fines be adopted to be determined as set forth, said fines to be paid by the sponsors of amendments which fail to be adopted

Amendments Receiving Less Than 5 Votes - \$10.00					
"	"	"	"	15	" 9.00
"	"	"	"	25	" 7.50
"	"	"	"	40	" 5.00
"	"	"	"	60	" 3.00
"	"	"	"	70	" 2.00
"	"	"	"	71	" 1.00

If debate on the unsuccessful amendment exceeds ten minutes then the fine shall be doubled; if said debate exceeds twenty minutes then said fine shall be tripled; if said debate exceeds thirty minutes then the sponsor shall be quartered; and be it further

RESOLVED, that the proceeds of said fines shall be collected by the Chief Clerk, placed in an escrow account in some bank within which no State monies are customarily deposited, until the end of the convention at which time a party shall be held utilizing such proceeds to be attended by those who have spoken no more than once upon any question (committee chairmen being excepted).

WHICH WAS READ THE FIRST TIME AND REFERRED TO THE COMMITTEE ON RULES, CREDENTIALS AND CONVENTION BUDGET.

At 10:14 A.M., Delegate Powers moved that the Convention resolve itself into the Committee of the Whole to consider the General Orders of the Day and to adopt debate Schedule No. 5 for debate on Committee Recommendation EB-1.

SAID MOTION PREVAILED BY YEAS AND NAYS BY VOICE VOTE.

GENERAL ORDERS OF THE DAY

COMMITTEE OF THE WHOLE

Mr. Eney presided. Consideration of Committee Recommendation JB-1.

Debate Schedule No. 5

For Debate of Committee Report No. EB-1

There will be no general debate. Committee Report No. EB-1 will be presented generally. After such general presentation, the Committee Report and Minority Report on each subject matter covered thereby will be presented, and the resolution applicable to each will be open to debate and amendment, in the order which follows. No speech shall exceed three (3) minutes (except as otherwise provided).
* * *

Amendment No. 52, to Committee Recommendation No. JB-1, By Delegates Clark, Raley, from the floor. The amendment was duly seconded.

In Section 5.14 Nomination and Appointment in line 45 after the word "vacancy" add this sentence:

"If no list or a list with less than the minimum number of names is received by the governor within the time specified herein, the governor may fill the vacancy by appointing any eligible person."

WITH PERMISSION OF THE COMMITTEE OF THE WHOLE AMENDMENT NO. 52 WAS WITHDRAWN.

Delegate Mudd, Chairman of the Judicial Branch Committee reported on sections 5.29 through 5.31 at 10:20 A.M.

Delegate Johnson, speaking for the minority report, reported on Sections 5.29 through 5.31 at 10:37 A.M.

Amendment No. 53, To Accompany Minority Report No. JB-1, to Committee Recommendation No. JB-1, By Delegates Johnson, Harkness, Hickman, Kahl, Murphy, Siewierski, and Rush, from the floor. The amendment was duly seconded.

In Section 5.29 Administration of Judicial System strike out lines 21 through 36, and insert in lieu thereof the following:

"The Chief Judge of the Court of Appeals shall be the administrative head of the judicial system. The Governor shall designate one Intermediate Appellate Court Judge, one

Superior Court Judge, and one District Court Judge as the chief judges of their respective courts to perform such duties in connection with the administration of the judicial system as are assigned them by the Chief Judge of the Court of Appeals. Each shall serve for the remainder of his service on the Court, or until he resigns the office of Chief Judge. Administrative judges may be designated by the Chief Judge of the Court of Appeals as prescribed by rule. Administrative Judges shall perform the duties prescribed by rule. The Court of Appeals shall provide by rule for the assignment of any judge to sit temporarily in any court."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS
AS FOLLOWS:

Affirmative

Delegates--

Abramson, Baumann, Beachley, Blair, Boileau, Boyer, Caldwell, Cardin, Carson, Dabrowski, Darby, Dorsey, Eckenrode, Harkness, Harris, Hickman, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kirkland, Murphy, Murray E.C., Pascal, Peters, Rush, Rybczynski, Siewierski, Sosnowski, Soul, Webb, Wheatley.

Total--34

Negative

Delegates--

President, Tawes, Clark J., James, Adkins, Armor, Bamberger, Bard, Barrick, Bennett, Borom, Bothe, Boyce, Bradshaw, Bryson, Burdette, Bushong, Buzzell, Byrnes, Case, Chabot, Child, Cicone, Clagett, Clarke E.J, Dukes, Dulany, Finch, Fox, Freedlander, Gallagher, Gilchrist, Gill, Groh, Grumbacher, Gullett, Hanson, Hargrove, Henderson, Hopkins, Kiefer, Kosakowski, Koss, Litzel, Lord, Macdonald, Marion, Mason, Maurer, Mentzer,*Mitchell, Morgan, Moser, Mosner, Mudd, Murray D.S., Needle, Neilson, Neumann, Penniman, Powers, Price, Pullen, Raley, Robey F.C., Robie K.L., Rollins, Rosenstock, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Stern, Sybert, Taylor L., Ulrich, Wagandt, Weidemeyer, White, Willis, Willoner, Winslow.

Total--89

* Miller B.,

Not Voting

Delegates--

Anderson, Beall, Boyles, Burgess, Cleveland, Della, Fornos, Frederick, Gleason, Grant, Hardwicke, Koger, Linton,*Miller E.T., Ritter, Storm, Taylor H.E., Vecera.

Total--19

* Malkus,

Amendment No. 54, To Accompany Minority Report No. JB-1, To Committee Recommendation No. JB-1, By Delegates Johnson,

Harkness, Hickman, Kahl, Murphy, Siewierski, and Rush, from the floor. The amendment was duly seconded.

In Section 5.30 Clerks of Court after the word "Court" add the words "in each county", and strike the words "governed by rule" and insert the words "prescribed by law."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Baumann, Blair, Boyer, Bushong, Buzzell, Caldwell, Darby, Della, Dorsey, Dukes, Frederick, Gilchrist, Gleason, Harkness, Harris, Hickman, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kirkland, Linton, Mitchell, Murphy, Pascal, Peters, Pullen, Ritter, Rush, Rybczynski, Siewierski, Sosnowski, Soul, Stern, Sybert, Vecera, Webb, Weidemeyer, Wheatley. Total--41

Negative

Delegates--

President, Tawes, Clark, J., James, Adkins, Armor, Bamberger, Bard, Barrick, Beachley, Beall, Bennett, Boileau, Bothe, Boyce, Bradshaw, Bryson, Burdette, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke, E.J., Dulany, Finch, Fox, Freedlander, Gallagher, Gill, Groh, Grumbacher, Gullett, Hanson, Hargrove, Henderson, Hopkins, Kosakowski, Koss, Leitzel, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller, B., Morgan, Moser, Mosner, Mudd, Murray, D.S., Murray, E.C., Needle, Neilson, Neumann, Penniman, Powers, Price, Raley, Robey, F.C., Robie, K.L., Rollins, Rosenstock, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Singer, Smith, A.W., Smith, J.H., Smith, M.H., Sollins, Ulrich, Wagandt, White, Willis, Willoner, Winslow.
Total--82

Not Voting

Delegates--

Abramson, Anderson, Borom, Boyles, Burgess, Byrnes, Cleveland, Dabrowski, Eckenrode, Fornos, Grant, Hardwicke, Kiefer, Koger, Malkus, Miller, E.T., Storm, Taylor, H.E., Taylor, L. Total--19

At 11:48 A.M. Delegate Dulany reported on Minority Report JB-1 (B).

Amendment No. 55, To Accompany Minority Report No. JB-1 (B), To Committee Recommendation No. JB-1, By Delegates Dulany, Bradshaw, Hargrove, and Marion, from the floor. The amendment was duly seconded.

In Section 5.30 Clerks of Court strike out all of the last two sentences and insert in lieu thereof the following:

"The clerk of the Superior Court in each county and the clerk of the District Court in each county shall be appointed in the manner and for the term prescribed by rule to perform those judicial functions and administrative duties with respect to their courts as are prescribed by rule."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Abramson, Bamberger, Bard, Bennett, Boileau, Borom, Bothe, Boyce, Bradshaw, Bryson, Burdette, Byrnes, Chabot, Cicone, Dulany, Fox, Freedlander, Gill, Groh, Hanson, Hargrove, Hopkins, Kosakowski, Koss, Macdonald, Marion, Maurer, Mentzer, Miller, B., Morgan, Moser, Murray, E.C., Needle, Neilson, Penniman, Powers, Robey, F.C., Scanlan, Sickles, Siewierski, Singer, Smith, M.H., Sollins, Ulrich, Wagandt, Weidemeyer, White, Winslow. Total--48

Negative

Delegates--

Tawes, Clark, J., James, Adkins, Anderson, Barrick, Baumann, Beachley, Beall, Blair, Boyer, Burgess, Bushong, Buzzell, Caldwell, Cardin, Carson, Case, Child, Clagett, Clarke, E.J., Dabrowski, Darby, Della, Dorsey, Dukes, Eckenrode, Finch, Frederick, Gallagher, Gilchrist, Gleason, Grumbacher, Gullett, Harkness, Harris, Henderson, Hickman, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Litzel, Linton, Lord, Mason, Mitchell, Mosner, Mudd, Murphy, Murray, D.S., Neumann, Pascal, Peters, Price, Pullen, Raley, Ritter, Robie, K.L., Rollins, Rosenstock, Rush, Rybczynski, Schloeder, Schneider, Sherbow, Smith, A.W., Smith, J.H., Sosnowski, Soul, Stern, Sybert, Taylor, H.E., Taylor, L., Vecera, Webb, Wheatley, Willis, Willoner. Total--83

Not Voting

Delegates--

President, Armor, Boyles, Cleveland, Fornos, Grant, Hardwicke, Koger, Malkus, Miller, E.T., Storm. Total--11

Amendment No. 56, To Committee Recommendation No. JB-1, By Delegates Willoner and Stern, from the floor. The amendment was duly seconded.

In Section 5.31 Rule-Making Power insert the sentence: "However, a rule shall not supersede a law unless at least two years have elapsed since the effective date of the law."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS
AS FOLLOWS:

Affirmative

Delegates--

Anderson, Beachley, Boileau, Borom, Bothe, Burgess, Carson,
Dabrowski, Darby, Dukes, Eckenrode, Gleason, Grant, Groh,
Gullett, Hostetter, Hutchinson, Kirkland, Maurer, Mentzer,
Miller, B., Mitchell, Murray, E.C., Peters, Price, Ritter,
Rush, Rybczynski, Sickles, Sollins, Sosnowski, Soul, Stern,
Taylor, L., Vecera, Webb, Weidemeyer, Wheatley, Willis,
Willoner. Total--40

Negative

Delegates--

President, Tawes, Clark, J., James, Abramson, Adkins, Armor,
Bamberger, Bard, Barrick, Beall, Bennett, Boyce, Boyer, Bradshaw,
Bryson, Burdette, Bushong, Buzzell, Byrnes, Caldwell, Cardin,
Case, Chabot, Child, Cicone, Clagett, Clarke, E.J., Della,
Dorsey, Dulany, Finch, Fox, Frederick, Freedlander, Gallagher,
Gilchrist, Gill, Grumbacher, Hanson, Hargrove, Harkness, Harris,
Henderson, Hickman, Hopkins, Jett, Johnson, Kahl, Key, Kiefer,
Kosakowski, Leitzel, Linton, Lord, Macdonald, Marion, Mason,
Morgan, Moser, Mosner, Mudd, Murphy, Murray, D.S., Needle,
Penniman, Powers, Pullen, Raley, Robie, K.L., Rollins, Rosenstock,
Scanlan, Schloeder, Schneider, Sherbow, Siewierski, Singer,
Smith, A.W., Smith, J.H., Smith, M.H., Sybert, Taylor, H.E.,
Ulrich, Wagandt, White, Winslow. Total--87

Not Voting

Delegates--

Baumann, Blair, Boyles, Cleveland, Fornos, Hardwicke, Koger,
Koss, Malkus, Miller, E.T., Neilson, Neumann, Pascal, Robey, F.C.,
Storm. Total--15

Delegate Powers, duly seconded, moved that the Committee
of the Whole Rise and report to the Convention that the
Committee has under consideration Committee Recommendation JB-1.

SAID MOTION PREVAILED BY YEAS AND NAYS BY VOICE VOTE.

At 1:04 P.M. the Convention resumed its session.

The President reported to the Convention that the Committee
of the Whole has under consideration Committee Recommendation
No. JB-1 and desires to sit again on the matter.

At 1:06 P.M., on motion of Delegate Powers, the Convention
took a recess until 2:30 o'clock P.M.

At 2:30 P.M. the Convention resumed its session.

Present at roll call were the following delegates:

President, Tawes, Clark J., James, Abramson, Adkins, Anderson, Armor, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Macdonald, Marion, Mason, Mentzer, Miller B., Mitchell, Morgan, Moser, Mudd, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Penniman, Peters, Powers, Price, Pullen, Raley, Ritter, Robey F.C., Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total--130

Delegate Powers, duly seconded, moved to amend today's calendar and agenda to insert Consideration of Committee Recommendation GP-4 (Consumer Protection).

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

REPORTS OF OTHER STANDING COMMITTEES

Mr. Gallagher, Chairman of the Committee of the Legislative Branch, offered Committee Memorandum No. LB-2, in support of Committee Recommendation No. LB-2.

* * *

At 2:47 P.M. Delegate Powers, duly seconded, moved that the Convention resolve itself into the Committee of the Whole to consider the General Orders of the Day.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

GENERAL ORDERS OF THE DAY

COMMITTEE OF THE WHOLE

Delegate William S. James presided.

At 3:30 P.M. Mr. Eney returned to the Chamber and replaced Mr. James as Chairman of the Committee.

Amendment No. 57, To Accompany Minority Report No. JB-1, to Committee Recommendation No. JB-1, By Delegates Johnson,

Harkness, Hickman, Kahl, Murphy, Siewierski, and Rush, from the floor. The amendment was duly seconded.

After Section 5.31 add the following section:

"Right of Removal. There shall be the right of removal in cases before the Superior Court and the District Court in a manner and under the circumstances prescribed by rule or by law."

WITH PERMISSION OF THE COMMITTEE THE ABOVE AMENDMENT WAS WITHDRAWN.

Amendment No. 58, To Committee Recommendation No. JB-1, By Delegates Stern and Willoner, from the floor. The amendment was duly seconded.

After Section 5.31 add the following new section:

"Written and Published Opinions. The Court of Appeals and the Intermediate Appellate Court shall file a written opinion in every case. They shall also provide for the publication of such opinions."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Anderson, Bamberger, Baumann, Beachley, Boileau, Bothe, Boyce, Boyer, Burgess, Byrnes, Caldwell, Chabot, Dabrowski, Darby, Dukes, Gleason, Grant, Groh, Gullett, Hanson, Harkness, Hostetter, Hutchinson, Johnson, Kahl, Kirkland, Koger, Kosakowski, Murray, D.S., Neilson, Ritter, Robey, F.C., Rush, Rybczynski, Sickles, Siewierski, Singer, Sollins, Sosnowski, Soul, Stern, Sybert, Taylor, L., Vecera, Webb, Weidemeyer, Wheatley, Willis, Willoner.

Total--49

Negative

Delegates--

President, Tawes, Clark, J., James, Adkins, Armor, Bard, Bennett, Blair, Borom, Boyles, Bradshaw, Bryson, Burdette, Bushong, Buzzell, Cardin, Carson, Case, Child, Cicone, Clagett, Clarke, E.J., Della, Dulany, Eckenrode, Finch, Fox, Frederick, Freedlander, Gilchrist, Gill, Grumbacher, Hardwicke, Hargrove, Henderson, Hickman, Hopkins, Jett, Leitzel, Linton, Lord, Macdonald, Marion, Mason, Morgan, Moser, Mudd, Murphy, Needle, Penniman, Peters, Powers, Price, Pullen, Raley, Robie, K.L., Rollins, Rosenstock, Scanlan, Schloeder, Sherbow, Smith, A.W., Smith, J.H., Smith, M.H., Ulrich, Wagandt, White, Winslow.

Total--69

Not Voting

Delegates--

Abramson, Barrick, Beall, Cleveland, Dorsey, Fornos, Gallagher, Harris, Key, Kiefer, Koss, Malkus, Maurer, Mentzer, Miller, B., Miller, E.T., Mitchell, Mosner, Murray, E.C., Neumann, Pascal, Schneider, Storm, Taylor, H.E. . Total--24

Amendment No. 59, To Committee Recommendation No. JB-1, By Delegates Weidemeyer, Ritter, Rybczynski, and Rush, from the floor. The amendment was duly seconded.

In Section 5.29 Administration of Judicial System after the word "rule" insert the following:

", except that a District Court Judge may not be assigned to sit in an Appellate Court".

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Adkins, Anderson, Baumann, Beachley, Bennett, Blair, Bushong, Caldwell, Dabrowski, Darby, Dorsey, Finch, Groh, Hostetter, Hutchinson, Johnson, Kiefer, Kirkland, Kosakowski, Murphy, Penniman, Ritter, Rush, Rybczynski, Scanlan, Sosnowski, Soul, Sybert, Taylor, L., Vecera, Webb, Weidemeyer, Wheatley. Total--33

Negative

Delegates--

President, Tawes, Clark, J., Armor, Bamberger, Bard, Barrick, Boileau, Borom, Bothe, Boyer, Boyles, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clark, E.J., Dukes, Dulany, Eckenrode, Fox, Frederick, Freedlander, Gilchrist, Gill, Gleason, Grant, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Henderson, Hickman, Hopkins, Jett, Kahl, Koger, Koss, Leitzel, Linton, Lord, Macdonald, Marion, Mentzer, Miller, B., Moser, Mudd, Murray, D.S., Needle, Neilson, Peters, Powers, Price, Pullen, Raley, Robey, F.C., Robie, K.L., Rollins, Rosenstock, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith, A.W., Smith, J.H., Smith, M.H., Sollins, Stern, Ulrich, Wagandt, White, Willis, Willoner, Winslow. Total--85

Not Voting

Delegates--

James, Abramson, Beall, Boyce, Burgess, Cleveland, Della, Fornos, Gallagher, Grumbacher, Harris, Key, Malkus, Mason,

Maurer, Miller E.T., Mitchell, Morgan, Mosner, Murray E.C.,
Neumann, Pascal,*Taylor H.E. Total--24

* Storm,

Amendment No. 60, To Accompany Minority Report No. JB-1,
to Committee Recommendation No. JB-1, By Delegates Johnson,
Harkness, Hickman, Kahl, Murphy, Siewierski, and Rush, from
the floor. The amendment was duly seconded.

Following Section 5.30 add the following section:

"Sheriffs. The General Assembly may provide by law for the
office of Sheriff in any county of this State. The selection,
tenure, compensation, power and non-judicial duties of the
sheriff shall be prescribed by law. The General Assembly may
provide by law for deputies of the sheriff in each county.
The judicial duties of the office of sheriff may be pre-
scribed by rule."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS
AS FOLLOWS:

Affirmative

Delegates--

Tawes, Clark J., Anderson, Barrick, Beachley, Blair, Burgess,
Bushong, Buzzell, Caldwell, Cardin, Carson, Chabot, Child,
Dabrowski, Darby, Della, Dorsey, Dukes, Eckenrode, Frederick,
Gilchrist, Grant, Groh, Gullett, Harkness, Hickman, Hostetter,
Johnson, Kahl, Key, Kirkland, Kosakowski, Linton, Morgan,
Murphy, Peters, Ritter, Robie K.L., Rollins, Rush, Rybczynski,
Siewierski, Sosnowski, Soul, Stern, Sybert, Vecera, Webb,
Weidemeyer. Total--50

Negative

Delegates--

President, James, Adkins, Aromor, Bamberger, Bard, Bennett,
Boileau, Borom, Bothe, Boyce, Boyles, Bradshaw, Brvson,
Burdette, Byrnes, Case, Cicone, Clagett, Clarke E.J.,
Dulany, Finch, Fornos, Fox, Freedlander, Gallagher, Gill,
Gleason, Grumbacher, Hanson, Hargrove, Henderson, Hopkins,
Hutchinson, Jett, Kiefer, Koger, Koss, Leitzel, Lord, Macdonald,
Marion, Mason, Maurer, Miller B., Moser, Mudd, Murray D.S.,
Murray E.C., Needle, Neilson, Pascal, Penniman, Powers,
Price, Pullen, Raley, Robey F.C., Scanlan, Schloeder,
Schneider, Sherbow, Sickles, Singer, Smith A.W., Smith J.H.,
Smith M.H., Sollins, Taylor H.E., Taylor L., Ulrich,
Wagandt, White, Willis, Willoner, Winslow. Total--76

Not Voting

Delegates--

Abramson, Baumann, Beall, Boyer, Cleveland, Hardwicke, Harris,
Malkus, Mentzer, Miller E.T., Mitchell, Mosner, Neumann,
Rosenstock, Storm, Wheatley. Total--16

Amendment No. 61, To Accompany Minority Report No. JB-1, To Committee Recommendation No. JB-1, By Delegates Johnson, Harkness, Hickman, Kahl, Murphy, Siewierski, and Rush, from the floor. The amendment was duly seconded.

Following Section 5.30 add the following section:

"Registers of Wills. The General Assembly may prescribe by law for a register of wills in any county of the State. The selection, tenure and compensation of the register of wills shall be prescribed by law. The General Assembly may prescribe by law for clerks in the office of register of wills upon certification of need from the chief judge of the Superior Court. The powers and duties of the register of wills shall be prescribed by rule."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Tawes, Clark, J., Abramson, Anderson, Beachley, Blair, Burgess, Bushong, Buzzell, Caldwell, Darby, Della, Dorsey, Eckenrode, Frederick, Gallagher, Gilchrist, Grant, Groh, Grumbacher, Harkness, Hickman, Hostetter, Hutchinson, Johnson, Kahl, Linton, Morgan, Murphy, Murray, E.C., Penniman, Peters, Pullen, Ritter, Robie, K.L., Rollins, Rush, Rybczynski, Scanlan, Siewierski, Sosnowski, Soul, Stern, Sybert, Vecera, Webb, Weidemeyer, Willis. Total--48

Negative

Delegates--

President, James, Adkins, Bamberger, Bard, Barrick, Bennett, Boileau, Bothe, Boyce, Boyles, Bradshaw, Bryson, Burdette, Byrnes, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke, E.J., Dukes, Dulany, Finch, Fornos, Fox, Freedlander, Gill, Gleason, Gullett, Hanson, Hargrove, Henderson, Hopkins, Jett, Key, Koger, Koss, Leitzel, Lord, Macdonald, Marion, Maurer, Mentzer, Miller, B., Mitchell, Moser, Mudd, Murray, D.S., Needle, Neilson, Pascal, Powers, Price, Robey, F.C., Schloeder, Schneider, Sherbow, Sickles, Smith, A.W., Smith, J.H., Smith, M.H., Sollins, Taylor, H.E., Taylor, L, Ulrich, Wagandt, White, Willoner, Winslow. Total--72

Not Voting

Delegates--

Armor, Baumann, Beall, Borom, Boyer, Cleveland, Dabrowski, Hardwicke, Harris, Kiefer, Kirkland, Kosakowski, Malkus, Mason, Miller, E.T., Mosner, Neumann, Raley, Rosenstock, Singer, Storm, Wheatley. Total--22

The Chairman put the question to the Committee on the approval of Committee Recommendation No. JB-1 as amended.

COMMITTEE RECOMMENDATION NO. JB-1 AS AMENDED WAS
APPROVED BY ROLL CALL AS FOLLOWS:

Affirmative

Delegates--

President, Tawes, Clark J., James, Abramson, Adkins, Armor, Bamberger, Bard, Barrick, Beachley, Bennett, Boileau, Borom, Bothe, Boyce, Boyles, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Dukes, Dulany, Finch, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Gill, Groh, Grumbacher, Gullett, Hanson, Hargrove, Henderson, Hopkins, Jett, Key, Kosakowski, Koss, Leitzel, Lord, Macdonald, Marion, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mudd, Murray D.S., Murray E.C., Needle, Neilson, Penniman, Powers, Price, Pullen, Raley, Ritter, Robey F.C., Robie K.L., Rollins, Rosenstock, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Smith A.W., Smith J.H., Smith M.H., Sollins, Stern, Taylor H.E., Taylor L., Ulrich, Wagandt, White, Willis, Willoner, Winslow.

Total--96

Negative

Delegates--

Blair, Caldwell, Darby, Frederick, Gleason, Harkness, Hickman, Hostetter, Hutchinson, Johnson, Kahl, Linton, Murphy, Peters, Rush, Rybczynski, Siewierski, Sosnowski, Soul, Vecera, Webb, Weidemeyer, Wheatley.

Total--23

Not Voting

Delegates--

Anderson, Baumann, Beall, Boyer, Cleveland, Della, Dorsey, Eckenrode, Grant, Hardwicke, Harris, Kiefer, Kirkland, Koger, Malkus, Mason, Miller E.T., Mosner, Neumann, Pascal, Singer, Storm, Sybert.

Total--23

Delegate Key from General Provisions Committee reported on Committee Recommendation No. GP-4.

A RECOMMENDATION that the Constitution include a provision on Consumer Protection, to read as follows:

"The General Assembly shall by law provide for the protection and education of the citizens of the State against harmful and unfair business practices."

Delegate Powers, duly seconded, moved that the Committee of the Whole Rise and report to the Convention that the Committee has concluded its consideration of Committee Recommendation JB-1 and is considering Committee Recommendation No. GP-4.

SAID MOTION PREVAILED BY YEAS AND NAYS BY VOICE VOTE.

At 5:40 P.M. the Convention resumed its session.

The President reported to the Convention that the Committee of the Whole has concluded its consideration of Committee Recommendation JB-1 and referred Committee Recommendation JB-1 together with the amendments to the COMMITTEE ON STYLE, DRAFTING AND ARRANGEMENT.

The President also reported that the Committee of the Whole has under consideration Committee Recommendation No. GP-4 and desires to sit again on the matter.

At 5:45 o'clock P.M. on motion of Mr. Powers, duly seconded, the Convention adjourned until Monday, November 27, 1967, at 2:00 P.M.

CONSTITUTIONAL CONVENTION OF MARYLAND
JOURNAL OF PROCEEDINGS

Annapolis, Md., Monday, Nov 27, 1967.

The Convention met at 2:00 o'clock P. M.

Invocation was offered by Father Alphonse Rose, St. Margaret's Catholic Church, Bel Air, Maryland.

Present at the roll call were the following delegates:

President, Tawes, Clark J., James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Boron, Bothe, Loyce, Poyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E. J., Labrowski, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Miller B., Miller E. T., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D. S., Murray F. C., Needle, Neilson, Neumann, Pascal, Penniran, Peters, Powers, Price, Pullen, Raley, Ritter, Robey F. C., Robie K. L., Rollins, Posenstock, Rush, Rybczynski, Schloeder, Schneider, Sherlow, Sickles, Siewierski, Singer, Smith A. W., Smith J. H., Smith M. H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H. E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total -- 140

REPORT OF COMMITTEE ON CALENDAR AND AGENDA

Mr. Powers, Chairman of the Committee on Calendar and Agenda, reported the daily calendar and agenda.

On Motion of Delegate Powers, duly seconded, the Calendar and Agenda was amended to include under Item 9 a resumption of consideration of Committee Recommendation No. CP-4.

THE CALENDAR AND AGENDA WAS READ AND ADOPTED AS AMENDED BY VOICE VOTE.

At 2:15 o'clock P. M. Delegate Powers moved, duly seconded, that the Convention resolve itself into a Committee of the Whole to consider the General Orders of the Day.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

COMMITTEE OF THE WHOLE -- GENERAL ORDERS OF THE DAY

Mr. Fney presided.

Consideration of Committee Recommendation No. GP-4 resumed with Delegate Key answering questions from the floor.

The Chairman put the question on the adoption of Committee Recommendation No. GP-4.

COMMITTEE RECOMMENDATION NO. GP-4 WAS ADOPTED BY ROLL CALL AS FOLLOWS:

Affirmative

Delegates --

Abramson, Bard, Baumann, Beachley, Beall, Bennett, Blair, Borom, Bryson, Burgess, Bushong, Byrnes, Child, Clagett, Clarke E. J., Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Gallagher, Gill, Grant, Grumbacher, Gullett, Hargrove, Harris, Key, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Macdonald, Marion, Mason, Maurer, Miller B., Miller E. T., Mitchell, Morgan, Moser, Mosner, Murphy, Murray D. S., Murray E. C., Needle, Raley, Ritter, Robie K. L, Rollins, Rosenstock, Rush, Sherbow, Sickles, Smith A. W., Sollins, Sosnowski, Soul, Storm, Taylor L., Vecera, Wagandt, Webb, Wheatley, White, Willis.

Total -- 69

Negative

Delegates --

President, Tawes, Clark J., James, Adkins, Anderson, Armor, Bamberger, Barrick, Boileau, Eoyce, Bradshaw, Burdette, Buzzell, Caldwell, Cardin, Carson, Case, Chabot, Cicone, Darby, Della, Dorsey, Frederick, Freedlander, Gilchrist, Gleason, Groh, Hanson, Hardwicke, Harkness, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Kiefer, Mentzer, Mudd, Neilson, Neumann, Penniman, Peters, Powers, Price, Robey F. C., Schneider, Siewierski, Singer, Smith J. H., Smith M. H., Stern, Sybert, Taylor H. E., Ulrich, Willoner, Winslow.

Total -- 60

Not Voting

Delegates --

Bothe, Boyer, Boyles, Cleveland, Dabrowski, Lord, Malkus, Pascal, Pullen, Rybczynski, Scanlan, Schloeder, Weidemeyer.

Total -- 13

At 3:30 o'clock P. M. consideration (under debate schedule no. 5) began on Committee Report No. EB-1.

Mr. Morgan, Chairman of the Committee on the Executive Branch, reported on Committee Report No. EB-1.

* * *

1. The Committee recommends that a Board of Public Works not be provided for in the Constitution.

2. The Committee recommends that the office of Comptroller not be provided for in the Constitution.

3. The Committee recommends that the office of Treasurer not be provided for in the Constitution.

4. The Committee recommends that the office of Attorney General not be provided for in the Constitution.

5. The Committee recommends that the following offices not be provided for in the Constitution: Secretary of State; Coroners, Elisors and Notaries Public; Surveyors; State Librarian.

GENERAL EXPLANATION:

Article II, Section I, of the present Constitution states that "the executive power of the State shall be vested in a Governor" and that the Governor shall "take care that the Laws are faithfully executed." Notwithstanding these Constitutional imperatives Maryland has a plural executive. Part of the executive authority of the State is presently vested in the Board of Public Works, part in the Comptroller, and part in the Treasurer. The Governor cannot in the case of many laws take care that such laws are faithfully executed except with the approval of another member of the Board of Public Works. This dispersion of executive authority interferes with the Governor's ability to implement his programs and the ability of the electorate to appropriately fix responsibility for any failure.

THE BOARD OF PUBLIC WORKS SHOULD NOT BE PROVIDED FOR
IN THE CONSTITUTION.

The Board of Public Works is created by Article XII of the present Constitution and is composed of the Governor, the Comptroller and the Treasurer. Under the present Constitution the Comptroller is elected by the people, and the Treasurer is appointed by the General Assembly. Thus neither of these two officials is responsible to the Governor or in any manner under his control. The Constitutional functions given the Board by Article XII relate to management of the State's interest in railroads, canals, turnpikes, and similar public facilities owned and operated by private corporations. Since the State no longer invests in such interests, these functions have become archaic. The only Constitutional function which the Board still exercises is provided for in Article III, Section 34, of the present Constitution and authorizes the Board to borrow money to meet temporary deficiencies in the Treasury.

The Board of Public Works has, however, through the process of statutory accretion, acquired significant responsibilities. It has been assigned by law, power:

1. To fix interest rates on and to sell state bonds;
2. To let contracts for the expenditure of state funds (except in conjunction with state highway projects);
3. To approve leases;
4. To promulgate rules and regulations covering business administration in the various state agencies;
5. To sell property of the state;
6. To transfer property from one governmental agency to another;
7. To approve the creation of new jobs not in the budget.

The Committee believes that the vesting of these powers in a three man Board not responsible to the Governor, the majority of which is not even appointed by the Governor, is an unwarranted dilution of the Governor's executive authority and responsibility. Since under Article XII, Section 2, of the present Constitution, two of the Board members are competent to act, it is entirely possible for the Comptroller and Treasurer, acting in concert, to override the policies and proposals of the Governor.

* * *

Furthermore, Section 4.18 of the Executive Article proposed by the Committee will remove the need for many of the Board's activities. Over the years, the Board has become responsible for the administration or supervision of more than thirty activities not otherwise allocated to agencies of the Executive Branch. Since Section 4.18 of the proposed Executive Article mandates that these activities be allocated within principal departments of the Executive Branch, a department head will be available to act as an administrator and supervisor.

* * *

For the reasons stated, the Committee on the Executive Branch respectfully submits that the Board of Public Works should not be constitutionally created.

THE OFFICES OF COMPTROLLER AND TREASURER SHOULD NOT BE PROVIDED FOR IN THE CONSTITUTION.

It has been said that "the greatest single impediment to executive unity lies in the constitutional designation of top officials who obtain office by popular election or by legislative election." Article VI of the present Constitution creates a Treasury Department and provides for a Comptroller who is popularly elected and a Treasurer who is elected by the General Assembly.

The Comptroller is the State's fiscal manager. Fiscal management is a vital element of executive power. Yet under Article VI, Section 2, of the present Constitution, the Comptroller, with no responsibility to the Governor, is vested with the function of planning and managing the State's revenues, superintending and enforcing the collection of all State taxes, and maintaining the accounts of the State. By statute, the Comptroller is given a wide variety of other duties, the most important of these being the supervision and direction of the activities of the State Auditor. But as Honorable Louis L. Goldstein, the State Comptroller, testified to the Committee, the most important responsibilities of the Comptroller relate to his service as a member of the Board of Public Works.

* * *

The primary responsibilities of the legislatively elected State Treasurer are the safekeeping, disbursement, and investment of State funds. But as Treasurer Luethkemeyer testified before the Committee, the most important function of the Treasurer is membership on the Board of Public Works. It is in this latter role that the Treasurer serves as a major executive policy maker.

For reasons already stated, the Committee feels that the Treasurer's vote on the Board is an unwarranted dilution of the Governor's executive authority. The Committee therefore feels that there is no reason to constitutionally create the office of Treasurer or to provide for his election by the General Assembly.

In summary, the Committee on the Executive Branch feels that the Governor should, as the Constitution states, be vested with all of the executive authority of the State. He should not be required to share some of it with other elected officials. The Committee therefore recommends that the Constitution not provide for a popularly elected Comptroller or a State Treasurer appointed by the General Assembly. Only if this is accomplished, will the Comptroller, the Treasurer, and the Board of Public Works be responsible to the Governor.

* * *

THE OFFICE OF ATTORNEY GENERAL SHOULD NOT BE PROVIDED
FOR IN THE CONSTITUTION.

Article V of the present Constitution creates the office of Attorney General and provides that he shall be popularly elected. Section 3 of that Article sets forth the duties of the office as follows:

1. To represent the State in all cases in the Maryland Court of Appeals or the Supreme Court of the United States;
2. To give his opinion in writing on legal matters when requested by the General Assembly, the Governor, the Comptroller, the Treasurer or any State's Attorney;
3. To aid any State's Attorney in a criminal prosecution when requested by the Governor or the General Assembly;
4. To represent the interest of the State in any suit which the General Assembly or the Governor direct to be commenced, prosecuted or defended.

Section 3 also provides that the Governor cannot employ any additional counsel unless authorized by the General Assembly. Under Article 32A of the Maryland Code, the office of the Attorney General is charged with the duty of being legal counsel for all departments, boards, and commissions of the State, except the Public Service Commission. Hence, under the present Constitution and laws, the office of the Attorney General does not fit neatly into any particular branch of the State government. For example, the office serves a legislative role when the Attorney General acts as counsel for the General Assembly; the office serves an executive role when the Attorney General acts as counsel for the Governor and when he acts as counsel for the administrative agencies of the State.

The Committee on the Executive Branch feels that a necessary concomitant of the Governor's position as chief executive of the State is the ability to hire his own lawyer. This is the principle applied in private business and at the federal and local levels of government and the Committee can see no good reason why an exception should be made at the State level of government. The Committee therefore recommends that the office of Attorney General not be constitutionally created. The net effect of this recommendation is to leave to the lawmaking process the reallocation between the branches of the State government of the duties now performed by the Attorney General.

* * *

In summary, the Committee on the Executive Branch feels that the office of the Attorney General should not be provided for in the Constitution. This decision in conjunction with Section 4.18-4.22 of the Committee's recommended Executive Article will assure to the Governor the power to appoint, subject to the advice and consent of the Senate, and to remove the chief legal officer serving the Executive Branch of government. The reallocation and realignment of the other responsibilities of the present Attorney General are left to the General Assembly.

THE FOLLOWING OFFICES SHOULD NOT BE PROVIDED FOR IN THE
CONSTITUTION: SECRETARY OF STATE; CORONERS; ELISORS;
NOTARIES OF PUBLIC; SURVEYORS; STATE LIBRARIAN.

These offices, created by the present Constitution, do not significantly interfere with the Governor's executive powers since the officeholder exercises only ministerial functions. However, to the extent that these offices are given constitutional functions, their status is too inflexible and such inflexibility interferes with efficient administration of the State. It is therefore recommended that these offices be removed from the Constitution so as to increase the flexibility of the State's administrative structure. This will give the General Assembly and the Governor, through his reorganization power, the ability to, from time to time, reorganize the administrative structure of the State without the necessity of Constitutional amendment.

At 3:55 o'clock P. M. Mr. Dorsey from the Committee on the Executive Branch reported on Minority Report No. EB-1(A) -- By Delegates Buzzell, Dorsey, Finch, James, Mason, Smith, Storm, Sybert and Tawes of the Committee on the Executive Branch.

This Minority Report relates to Committee Report No. EB-1.

A MINORITY REPORT concerning Committee Report No. EB-1 in which the Committee on the Executive Branch voted 11-9 not to provide for a Board of Public Works in the Constitution.

Governor Agnew, in his address to the Constitutional Convention stated: "In my opinion, the Board of Public Works should be continued but reconstituted. The Board provides a forum for public scrutiny and presents an opportunity for the expression of legislative views on significant decisions. I believe the State Treasurer, an adjunct of the legislative arm, should continue as the representative of the General Assembly."...

* * *

At the present time the Board is composed of only three members -- the Governor, the State Comptroller, and the State Treasurer. It meets formally each month and passes on three separate agenda, one submitted by its Secretary, one by the Budget Director, and one by the Director of the Department of Public Improvements.

We believe that the Board exercises an immensely important function in state government, and that it should continue to be provided for in our Constitution. At the same time we recommend that the size of the Board be increased to five -- adding two appointees of the Governor.

We also feel that the General Assembly should specify the duties of this Board so that it is concerned with matters of only the most important public consequence, permitting the Board to delegate minutia to appropriate departments.

The majority's only important argument for the abolition of this Board is that since the Comptroller and Treasurer are not responsible to the Governor, he cannot control the actions of the Board and that, consequently, the Board may be used as an "arena for internecine warfare."

This contention is in no way supported by fact. Indeed, the Board's history over the last 45 years has been one of harmony and cooperation, and no evidence has been presented to our Committee that the Comptroller and Treasurer have ever unduly impeded gubernatorial policy.

* * *

We believe that the Governor should be in position to exercise control over the actions of the Board. Consequently, we recommend that he be given the power to appoint two of the members. Such a provision would permit the Governor to have a controlling vote on the important issues while enabling the Comptroller and Treasurer publicly to analyze and present objections to any of the actions of the majority which they feel might be against the best interests of the State. Furthermore, their minority membership would provide the Governor with advice and counsel born of long experience in state government.

* * *

and, therefore, respectfully urge the Convention to retain the Board of Public Works -- increasing its membership to five and recommending to the General Assembly that its duties be streamlined.

Delegate Dorsey moved, duly seconded, that Recommendation 1 of Committee Report No. PB-1 be amended by striking last.

SAID MOTION PREVAILED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

Hawes, Clark J., James, Abramson, Anderson, Harrick, Maurann, Beachley, Blair, Boyer, Burgess, Buchong, Buzzell, Calverly, Cardin, Carson, Case, Chabot, Child, Cicone, Dabrowski, Farby, Jella, Dorsey, Eckenrode, Finch, Frederick, Grant, Harbness, Michien, Hopkins, Hostetter, Hutchinson, Johnson, Kahl, Key, Kirkland, Kosakowski, Leitzel, Linton, Mason, Murphy, Murray D. S., Murray L. C., Peters, Pullen, Raley, Ritter, Robie E. L., Rollins, Rosenstock, Rush, Rybczynski, Schneider, Sherbow, Smith A. W., Sosnowski, Soul, Stern, Storr, Sylbert, Taylor L. L., Taylor E., Vaccara, Webb, Weidensayer, Wheatley, Willis.

Total -- 68

Negative

Delegates --

President Adkins, Arnor, Barberger, Leall, Bonnett, Foileau, Forer, Fothe, Boyce, Bradshaw, Bryson, Burdette, Lynnes, Clagett, Clarke F. J., Dukes, Dulany, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Groh, Grunbacher, Gullett, Hansen, Hardwicke, Hargrove, Harris, Henderson, Jett, Kiefer, Roger, Koss, Lord, Macdonald, Marion, Maurer, Mentzer, Miller B., Miller F. T., Mitchell, Morgan, Moser, Mosner, Pudd, Reedle, Reilson, Reumann, Penniman, Powers, Raley F. C., Schloeder, Sickles, Siewierski, Singer, Smith J. H., Smith M. L., Sollins, Wagandt, White, Willoner, Winslow.

Total -- 66

Not Voting

Delegates --

Lord, Lyles, Cleveland, Malkus, Base E., Price, Scanlan, Ulrich.

Total -- 8

The Chairman put the question on the adoption of Recommendation 1 as amended -- That a Board of Public Works be provided for in the Constitution.

THE ROLL WAS CALLED AND RESULTED IN A TIE VOTE. THE CHAIRMAN RULED THAT THE QUESTION FAILED.

Affirmative

Delegates --

Tawes, Clark J., James, Abramson, Anderson, Barrick, Baumann, Beachley, Blair, Boyer, Burgess, Bushong, Buzzell, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Dabrowski, Darby, Della, Dorsey, Eckenrode, Finch, Frederick, Grant, Harkness, Hickman, Hopkins, Hostetter, Hutchinson, Johnson, Kahl, Key, Kirkland, Kosakowski, Leitzel, Linton, Mason, Miller E. T., Murphy, Murray D. S., Murray E. C., Peters, Pullen, Raley, Ritter, Robie K. L., Rollins, Rosenstock, Rush, Rybczynski, Sherbow, Smith A. W., Sosnowski, Soul, Stern, Storm, Sybert, Taylor H. E., Taylor L., Vecera, Webb, Weidemeyer, Willis.

Total -- 68

Negative

Delegates --

President, Adkins, Armor, Bamberger, Beall, Pennett, Boileau, Borom, Bothe, Boyce, Boyles, Bradshaw, Bryson, Burdette, Byrnes, Clagett, Clarke E. J., Dukes, Dulany, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harris, Henderson, Jett, Kiefer, Koger, Koss, Lord, Macdonald, Marion, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Needle, Neilson, Neumann, Penniman, Powers, Robey F. C., Schloeder, Schneider, Sickles, Siewierski, Singer, Smith J. H., Smith M. H., Sollins, Ulrich, Wagandt, White, Willoner, Winslow.

Total -- 68

Not Voting

Delegates --

Bard, Cleveland, Malkus, Pascal, Price, Scanlan.

Total -- 6

Delegate Gallagher moved, duly seconded, to reconsider the vote by which the Dorsey motion to amend Recommendation 1 of Committee Report No. FB-1 was adopted and also to reconsider the vote by which Recommendation 1 as amended of Committee Report No. FB-1 was not adopted.

Delegate Adkins moved, duly seconded, that the Committee of the Whole Rise.

SAID MOTION PREVAILED BY YLAS AND NAYS VOICE VOTE.

6:13 o'clock P. M. the Convention resumed its session.

The President reported to the Convention that the Committee of the Whole has concluded its consideration of Committee Recommendation No. GP-4 and referred the Committee Recommendation to the Committee on Style, Drafting and Arrangement.

He also reported that the Committee of the Whole has under consideration Committee Report No. EB-1 and desires to sit again on the subject.

At 6:15 o'clock P. M. on motion of Mr. Powers the Convention took a recess until 7:45 o'clock P. M.

At 7:45 o'clock P. M. the Convention resumed its session.

Present at the roll call were the following delegates:

President, Tawes, Clark J., James, Abramson, Adkins, Anderson, Armor, Bamberger, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Caldwell, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E. J., Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Biller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Pullen, Raley, Ritter, Robey, Robie K. L., Rollins, Rosenstock, Rush, Rybczynski, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A. W., Smith J. H., Smith M. H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H. E., Taylor L., Ulrich, Vecora, Wagandt, Webb, Wheatley, White, Willis, Willoner, Winslow.

Total -- 133

Delegate Powers moved, duly seconded, to amend the Calendar and Agenda to make further consideration of Recommendation 1 (Board of Public Works) in Committee Report No. EB-1, a special order for the first meeting of the Committee of the Whole after November 27, 1967.

SAID MOTION PREVAILED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

Tawes, Clark J., James, Abramson, Adkins, Armor, Hamberger, Bard, Barrick, Beachley, Beall, Bennett, Blair, Bothe, Boyce, Boyles, Bryson, Burdette, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Child, Clarke E. J., Dorsey, Dulany, Eckenrode, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Gill, Grant, Groh, Hargrove, Harkness, Henderson, Hickman, Kiefer, Kirkland, Kosakowski, Leitzel, Lord, Marion, Mason, Maurer, Morgan, Moser, Mudd, Pascal, Penniran, Peters, Powers, Raley, Ritter, Robey F. C., Rosenstock, Schloeder, Sherbow, Sickles, Singer, Smith A. W., Smith J. H., Smith M. E., Stern, Sybert, Taylor H. E., Taylor L., Wagandt, Webb, Wheatley, Willis, Willoner, Winslow.

Total -- 77

Negative

Delegates --

Anderson, Baumann, Boileau, Boyer, Bradshaw, Bushong, Chabot, Cicone, Clagett, Dabrowski, Darby, Della, Finch, Frederick, Gleason, Grumbacher, Gullett, Hanson, Hardwicke, Harris, Hopkins, Postetter, Hutchinson, Jett, Johnson, Koger, Koss, Linton, Macdonald, Malkus, Miller B., Mitchell, Mosner, Murphy, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Pullen, Robie K. L., Rollins, Rush, Rybczynski, Schneider, Siewierski, Sollins, Sosnowski, Soul, Storr, Ulrich, Vecera, Weidemeyer, White.

Total -- 54

Not Voting

Delegates --

President, Borow, Burgess, Cleveland, Dukes, Kahl, Key, Mentzer, Miller E. T., Price, Scanlan.

Total -- 11

At 8:35 o'clock P. M. Delegate Powers moved, duly seconded, that the Convention resolve itself into a Committee of the Whole to consider the General Orders of the Day as amended.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

COMMITTEE OF THE WHOLE -- GENERAL ORDERS OF THE DAY

Mr. Key presided.

At 8:40 o'clock P. M. Delegate Adkins, Vice-Chairman of the Committee on the Executive Branch, reported on Recommendation 2 (Office of Comptroller) in Committee Report No. EB-1.

At 9:25 o'clock P. M. Mr. Sybert from the Committee on the Executive Branch reported on Minority Report No. EB-1 (L) -- By Delegates Buzzell, Dorsey, Finch, James, Mason, Smith, Storn, Sybert and Tawes of the Committee on the Executive Branch.

This Minority Report relates to Committee Report No. EB-1.

A MINORITY REPORT concerning Committee Report No. EB-1 in which the Committee on the Executive Branch voted 11-9 not to provide for the office of an elected Comptroller in the Constitution.

For 116 years the Maryland Constitution has provided for a popularly elected Comptroller of the Treasury. Today this official has several different kinds of constitutional and statutory functions. He superintends the collection of taxes and the estimating of revenue. He oversees the accounting and management of revenues. He maintains the State's financial records. He is a member of several boards and commissions, the most important of which is the Board of Public Works.

It is our contention that as a tax administrator and fiscal manager, this official has performed his duties in the best interests of our State in the past and the Committee heard no evidence to the contrary. Indeed, this elective office has been tested by time and to change it simply for the sake of change is unwarranted and unwise.

* * *

Without an elected State Comptroller, in that possible eventuality, effective checks on hasty, ill-advised, irresponsible or dishonest action by a negligent or unscrupulous Governor would be eradicated. Supervision and control over a billion dollars of the State's funds would be placed in the hands of one man. Checks and balances in this sensitive area would be destroyed, and under such a system it would be possible to seriously impair Maryland's current fiscal health in one four year period.

* * *

We agree that the Governor's hand should be strengthened. We do not subscribe to the so-called "three Governor" claim. Maryland's chief executive should have reorganization powers, and be in a position to exercise control on the Board of Public Works. It is, however, absolutely necessary that the public be permitted some control also over the operations of day-to-day business, control which only an independently elected official can provide. We now have in Maryland a first rate financial system. Let us maintain it. We now have in Maryland a system that permits public participation and awareness.

Let us not diminish democracy by seriously eroding it as the majority would have us do.

Delegate Sybert moved, duly seconded, that Recommendation 2 of Committee Report No. EB-1 be amended by striking "not."

Delegate Powers moved, duly seconded, that the Committee of the Whole rise and report to the Convention that it has not concluded its consideration of Committee Report No. EB-1 and desires to sit again on the motion.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

At 10:15 o'clock P. M. the Convention resumed its session.

The President reported to the Convention that the Committee of the Whole has under consideration Committee Report No. EB-1 and desires to sit again on the matter.

At 10:17 o'clock P. M. on motion of Mr. Powers, duly seconded, the Convention adjourned until Tuesday, November 28, 1967, at 10:00 o'clock P. M.

CONSTITUTIONAL CONVENTION OF MARYLAND

JOURNAL OF PROCEEDINGS

Annapolis, Maryland
Tuesday, Nov. 28, 1967

The Convention met at 10:00 o'clock A.M.

Invocation was offered by Reverend Nicholas Dohony, St. Paul's Catholic Church, Ellicott City, Maryland.

Present at the roll call were the following delegates:

President, Tawes, Clark J., James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E. J., Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Miller B., Miller E. T., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Ritter, Robey F. C., Robie K. L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A. W., Smith J. H., Smith M. H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H. E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow. Total--141

REPORT OF COMMITTEE ON CALENDAR AND AGENDA

Mr. Powers, Chairman of the Committee on Calendar and Agenda, reported the daily calendar and agenda.

Delegate Powers, duly seconded, moved that the calendar and agenda be amended to include under Item 9 Consideration of Committee Report EB-1 under Debate Schedule No. 5 so that Recommendation 1 (Board of Public Works) can be taken up after Recommendations 2 and 3.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

THE CALENDAR AND AGENDA REPORT WAS ADOPTED AS AMENDED BY VOICE VOTE.

At 10:19 A.M., Delegate Powers, duly seconded, moved that the Convention resolve itself into a Committee of the Whole to consider the General Orders of the Day.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

COMMITTEE OF THE WHOLE GENERAL ORDERS OF THE DAY

Mr. Eney presided.

Consideration of Recommendation 2 of Committee Report EB-1

Delegate Sybert, duly seconded, moved: Recommendation 2 of Committee Report No. EB-1 be amended by striking "not".

At 11:00 A.M., Delegate Powers, duly seconded, moved that the Committee of the Whole rise and report to the Convention that the Committee has under consideration Committee Report No. EB-1.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

At 11:08 A.M., the Convention resumed its session.

The President reported that the Committee of the Whole has under consideration Committee Report No. EB-1.

Delegate Powers, duly seconded, moved that the Convention recess for one hour until 12:08 P.M.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

At 12:08 P.M., the Convention resumed its session.

Present at roll call were the following delegates:

President, Tawes, Clark, J., James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Bennett, Blair, Boileau, Boyer, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke, E. J., Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kirkland, Koger, Kosakowski, Koss, Litzel, Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Miller, B., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray, D. S., Murray, E. C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Ritter, Robey, F. C., Robie, K. L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Singer, Smith, J. H., Smith, M. H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor, H. E., Taylor, L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willoner, Winslow.

Total--127

At 12:28 P.M., Delegate Powers, duly seconded, moved that the Convention resolve itself into a Committee of the Whole to consider the General Orders of the Day.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

COMMITTEE OF THE WHOLE GENERAL ORDERS OF THE DAY

Mr. Eney presided.

Consideration of Recommendation 2 of Committee Report No. EB-1 resumed.

The question before the Committee was Delegate Sybert's motion, who moved Recommendation 2 of Committee Report No. EB-1 be amended by striking "not".

SAID MOTION PREVAILED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Tawes, Clark J., James, Abramson, Anderson, Armor, Barrick, Baumann, Beachley, Blair, Boyer, Burgess, Bushong, Buzzell, Caldwell, Cardin, Carson, Case, Child, Cicone, Dabrowski, Darby, Della, Dorsey, Dukes, Eckenrode, Finch, Frederick, Grant, Harkness, Harris, Hickman, Hostetter, Hutchinson, Johnson, Kahl, Kirkland, Kosakowski, Leitzel, Linton, Malkus, Mason, Mitchell, Murphy, Murray D. S., Murray E. C., Peters, Price, Pullen, Ritter, Robie K. L., Rollins, Rosenstock, Rush, Rybczynski, Sherbow, Siewierski, Smith A. W., Sosnowski, Soul, Stern, Storm, Sybert, Taylor H. E., Taylor L., Vecera, Webb, Weidemeyer, Wheatley, Willis.

Total--70

Negative

Delegates--

President, Adkins, Bamberger, Bard, Beall, Bennett, Boileau, Borom, Bothe, Boyce, Bradshaw, Bryson, Burdette, Byrnes, Chabot, Clagett, Clarke E. J., Dulany, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Gill, Gleason, *Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Henderson, Hopkins, Jett, Key, Koger, Koss, Lord, Macdonald, Marion, Maurer, Mentzer, Miller B., Morgan, Moser, Mosner, Mudd, Needle, Neilson, Neumann, Pascal, Penniman, Powers, Raley, Robey F. C., Scanlan, Schloeder, Schneider, Sickles, Singer, Smith J. H., Smith M. H., Sollins, Ulrich, Wagandt, White, Willoner, Winslow.

Total--68

* Prob,

Not Voting

Delegates--

Boyles, Cleveland, Kiefer, Miller E. T.

Total--4

The Chairman put the question on the adoption of Recommendation 2 in Committee Report No. EB-1 as amended.

RECOMMENDATION 2 IN COMMITTEE REPORT EB-1 AS AMENDED WAS APPROVED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Tawes, Clark, J., James, Abramson, Anderson, Armor, Barrick, Baumann, Beachley, Blair, Borom, Boyer, Burgess, Bushong, Buzzell, Caldwell, Cardin, Carson, Case, Child, Cicone, Dabrowski, Darby, Della, Dorsey, Dukes, Eckenrode, Finch, Frederick, Grant, Harkness, Harris, Hickman, Hostetter, Hutchinson, Johnson, Kahl, Kiefer, Kirkland, Kosakowski, Leitzel, Linton, Malkus, Mason, Mitchell, Murphy, Murray D. S., Murray E. C., Peters, Price Pullen, Ritter, Robie K. L., Rollins, Rosenstock, Rush, Rybczynski, Sherbow, Siewierski, Smith A. W., Sosnowski, Soul, Stern, Storm, Sybert, Taylor H. E., Taylor L., Vecera, Webb, Weidemeyer, Wheatley, Willis.

Total--72

Negative

Delegates--

President, Adkins, Bamberger, Bard, Beall, Bennett, Boileau, Bothe, Boyce, Bradshaw, Bryson, Burdette, Byrnes, Chabot, Clagett, Clarke E. J., Dulany, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Gill, Gleason, *Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Henderson, Hopkins, Jett, Koger, Koss, Lord, Macdonald, Marion, Maurer, Mentzer, Miller B., Morgan, Moser, Mosner, Mudd, Needle, Neilson, Neumann, Pascal, Penniman, Powers, Raley, Robey F. C., Scanlan, Schloeder, Schneider, Sickles, Singer, Smith J. H., Smith M. H., Sollins, Ulrich, Wagandt, White, Willoner, Winslow.

Total--66

* Groh,

Not Voting

Delegates--

Boyles, Cleveland, Key, Miller, E. T.

Total--4

At 1:07 P.M., Delegate Powers moved that the Committee of the Whole rise and report to the Convention.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

At 1:07 P.M., the Convention resumed its session.

The President reported to the Convention that the Committee of the Whole has under consideration Committee Report No. EB-1 and desires to sit again on the matter.

At 1:08 P.M., Delegate Powers moved that the Convention recess until 2:30 P.M.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

At 2:30 P.M., the Convention resumed its session.

Present at roll call were the following delegates:

President, Tawes, Clark, J., James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke, E. J., Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Miller, B., Miller, E. T., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray, D. S., Murray, E. C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Ritter, Robey, F. C., Robie, K. L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith, A. W., Smith, J. H., Smith, M. H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor, H. E., Taylor, L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow. Total--141

At 2:35 P.M., Delegate Powers, duly seconded, moved that the Convention resolve itself into a Committee of the Whole to consider the General Orders of the Day.

COMMITTEE OF THE WHOLE GENERAL ORDERS OF THE DAY

Mr. Eney presided.

Consideration of Committee Report EB-1 resumed.

Recommendation 3 (Office of Treasurer)

Delegate Adkins presented the Committee's Report EB-1 on Recommendation 3.

REPORTS OF OTHER STANDING COMMITTEES

Minority Report No. EB-1(C)

By Delegates Buzzell, Dorsey, Finch, James, Mason, Smith, Storm, Sybert and Tawes of the Committee on the Executive Branch.

Mr. James from Executive Branch Committee reported on Minority Report No. EB-1(C).

This Minority Report relates to Committee Report No. EB-1.

A MINORITY REPORT concerning Committee Report No. EB-1 in which the Committee on the Executive Branch voted 11-9 not to provide for the office of an elected Treasurer in the Constitution.

The Treasurer of this state in his present capacity as a constitutional officer serves an important role in the handling of the finances of the state. He has multiple duties under the Constitution and the acts of the legislature. Most importantly, he has custody of all funds of the state and originates and signs all drafts and checks for the payment of the monies of the state when properly warranted by the Comptroller, who must countersign all such drafts and checks. This independent cross-check for the safekeeping of public funds should not be overlooked or minimized.

* * *

Inasmuch as he is elected by the legislature, we feel that there is a sound basis for confidence by members of the legislature in the state's financial administration. Furthermore, his membership on the Board of Public Works provides a desirable liason between that policy making body and the legislature. We believe that such confidence is necessary to an harmonious relationship between the executive and legislative branches since, even in the recess of the legislature, participation in these functions of government, by the legislative branch, is accomplished through this officer.

It is our firm opinion that the legislative branch has an entirely legitimate interest in having this constant, daily participation.

We disagree strongly with the feeling of the majority that the existence of this officer under the Constitution as a designee of the legislature in any way hampers the function of the executive. In fact, the executive is strengthened by the independent judgment of this officer and public confidence is fostered by the assurance that the public monies are soundly invested and safely kept. No evidence has been presented to our Committee that historically this official has hampered the executive. In fact, quite to the contrary both the present Governor and his predecessor recommend that this office be continued in its present form, an indication that they appreciate the knowledge and help of this official.

* * *

The exercise of common sense dictates that there not be a change merely for the sake of change but that what experience has taught to be worthwhile and functional be retained. We would retain the Treasurer largely in his present capacity to serve the functions mentioned above as a constitutional officer of this state to serve the manifold, collateral financial needs of the

legislature and the agencies of the state as he now does and as the future may dictate.

* * *

Delegate James, duly seconded, moved: Recommendation 3 of Committee Report No. EB-1 be amended by striking "not".

SAID MOTION FAILED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Tawes, Clark J., James, Abramson, Anderson, Barrick, Baumann, Beachley, Beall, Blair, Burgess, Bushong, Buzzell, Caldwell, Carson, Child, Dabrowski, Darby, Della, Dorsey, Dukes, Eckenrode, Finch, Frederick, Harkness, Hickman, Hopkins, Hostetter, Hutchinson, Johnson, Kahl, Key, Kirkland, Kosakowski, Leitzel, Malkus, Mason, Murphy, Murray D. S., Murray E. C., Pascal, Peters, Price, Pullen, Ritter, Robie K. L., Rollins, Rosenstock, Rush, Rybczynski, Sherbow, Siewierski, Smith A. W., Sosnowski, Soul, Stern, Storm, Sybert, Vecera, Webb, Weidemeyer, Wheatley, Willis.

Total--63

Negative

Delegates--

President, Adkins, Armor, Bamberger, Bard, Bennett, Boileau, Borom, Bothe, Boyce, Bradshaw, Bryson, Burdette, Byrnes, Cardin, Chabot, Cicone, Clagett, Clarke E. J., Dulany, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harris, Henderson, Jett, Koger, Koss, Lord, Macdonald, Marion, Maurer, Mentzer, Miller B., Miller E. T., Mitchell, Morgan, Moser, Mosner, Mudd, Needle, Neilson, Neumann, Penniman, Powers, Raley, Robey F. C., Scanlan, Schloeder, Schneider, Sickles, Singer, Smith J. H., Smith M. H., Sollins, Taylor H. E., Taylor L., Ulrich, Wagandt, White, Willoner, Winslow.

Total--73

U. P. 100-2467108

Not Voting

Delegates--

Boyer, Boyles, Case, Cleveland, Kiefer, Linton.

Total--6

The Chairman put the question on the adoption of Recommendation 3 in Committee Report EB-1...that the Office of Treasurer not be provided for in the Constitution.

RECOMMENDATION 3 IN COMMITTEE REPORT EB- WAS ADOPTED BY
YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

President, Adkins, Armor, Bamberger, Bard, Beachley, Beall, Bennett, Blair, Boileau, Borom, Boyce, Bradshaw, Bryson, Burdette, Byrnes, Cardin, Case, Chabot, Child, Cicone, Clagett, Clarke, E. J., Dukes, Dulany, Finch, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harris, Henderson, Jett, Kahl, Koger, Koss, Lord, Macdonald, Marion, Maurer, Mentzer, Miller, B., Miller, E. T., Mitchell, Morgan, Moser, Mudd, Murray, D. S., Needle, Neilson, Neumann, Penniman, Powers, Price, Raley, Robey, F. C., Robie, K. L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sickles, Siewierski, Singer, Smith, J. H., Smith, M. H., Sollins, Sosnowski, Soul, Stern, Taylor, H. E., Taylor, L., Ulrich, Wagandt, White, Willis, Willoner, Winslow.

Total--91

Negative

Delegates--

Tawes, Clark, J., James, Abramson, Anderson, Barrick, Baumann, Bothe, Burgess, Bushong, Buzzell, Caldwell, Carson, Dabrowski, Darby, Della, Dorsey, Eckenrode, Frederick, Harkness, Hickman, Hopkins, Hostetter, Hutchinson, Johnson, Key, Kirkland, Kosakowski, Leitzel, Malkus, Mason, Mosner, Murphy, Murray, E. C., Pascal, Peters, Pullen, Sherbow, Smith, A. W., Storm, Sybert, Vecera, Webb, Weidemeyer, Wheatley.

Total--45

Not Voting

Delegates--

Boyer, Boyles, Cleveland, Kiefer, Linton, Ritter.

Total--6

Consideration of Recommendation 1 in Committee Report EB-1
on Special Order from Nov. 27, 1967

Delegate Gallagher, duly seconded, moved to reconsider the vote by which Recommendation 1 in Committee Report EB-1, as amended,

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failed to be adopted and also to reconsider the vote by which Recommendation 1 was amended by Delegate Dorsey's motion.

Delegate Gallagher then withdrew the above motion with permission of the Committee and the Chairman.

Delegate Gallagher then moved to reconsider the vote by which Recommendation 1 in Committee Report EB-1, as amended, failed to be adopted.

SAID MOTION PREVAILED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

President, Tawes, Clark J., James, Adkins, Armor, Bamberger, Bard, Barrick, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyles, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Cicone, Clagett, Clarke E. J., Dabrowski, Darby, Della, Dukes, Dulany, Eckenrode, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harris, Henderson, Hopkins, Hostetter, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Litzel, Lord, Macdonald, Marion, Mason, Mentzer, Miller B., Miller E. T., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D. S., Murray E. C., Needle, Neumann, Pascal, Penniman, Peters, Powers, Price, Raley, Ritter, Robey F. C., Robie K. L., Rollins, Rosenstock, Rush, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A. W., Smith J. H., Smith M. H., Sollins, Taylor H. E., Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow. Total--115

Negative

Delegates--

Anderson, Baumann, Chabot, Child, Dorsey, Fornos, Hickman, Hutchinson, Koss, Maurer, Pullen, Rybczynski, Sosnowski, Soul, Stern, Storm, Sybert. Total--17

Not Voting

Delegates--

Abramson, Boyer, Cleveland, Finch, Harkness, Linton, Malkus, Neilson, Taylor L., Ulrich. Total--10

Amendment No. 4 To Committee Report No. EB-1: By Delegate Morgan from the floor the amendment was duly seconded.

An amendment to Recommendation No. 1 in Committee Report EB-1.

Strike out and insert the following:

1) The Committee recommends that there be provided in the Constitution as part of the Executive Branch Article an inter-departmental board of review to consist of the governor, a head of a principal department designated by the governor, and an individual appointed to the board by the General Assembly, such board to perform in such manner and to have such of the existing powers of the Board of Public Works, together with such other powers, as the General Assembly may prescribe.

The Chairman ruled the above Amendment No. 4 was out of order.

Amendment No. 5 to Amendment No. 4 to Committee Report No. EB-1 by Delegate Fornos.

Strike out the words "an individual appointed to the board by the General Assembly" and insert in lieu thereof the words "the Comptroller".

The Chairman ruled the above amendment was out of order.

Delegate Powers, duly seconded, moved that the Committee of the Whole rise and report to the Convention.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

At 4:20 P.M., the Convention resumed its session.

The President reported that the Committee of the Whole has under consideration Committee Report EB-1 and desires to sit again on the matter.

Delegate Powers moved that further consideration of Recommendation 1 in Committee Report EB-1 be made a special order of business for the time that Committee Recommendation EB-1 is considered.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

At 4:22 P.M., Delegate Powers, duly seconded, moved that the Convention resolve itself into the Committee of the Whole.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

COMMITTEE OF THE WHOLE

Mr. Eney presided.

Delegate Morgan reported on Recommendation 4 in Committee Report EB-1.

Minority Report No. EB-1(D)

A.W.

By Delegates Buzzell, Dorsey, Finch, James, Mason, /Smith, Storm, Sybert and Tawes of the Committee on the Executive Branch.

Mr. Mason from Executive Branch Committee reported on Minority Report No. EB-1(D).

This Minority Report relates to Committee Report No. EB-1.

A MINORITY REPORT concerning Committee Report No. EB-1 in which the Committee on the Executive Branch voted 11-9 not to provide for the office of an elected Attorney General in the Constitution.

The Attorney General has been a constitutionally elected officer in Maryland for 103 years. Committee Report No. EB-1 proposes to change that by eliminating all reference to the office in the new Constitution except for a provision that the chief legal officer of the State be appointed by the Governor. The minority urges strongly that the Attorney General be retained as a constitutionally elected officer.

* * *

Forty of our sister states have a constitutionally elected Attorney General and two others have statutory provisions for his election. Two of these, New York and Michigan, recently had Constitutional Conventions which voted to retain the office as a constitutionally elected one, thereby affirming the fact that such status is not incompatible with modern efficient state government. In two of the states where the Attorney General is not elected (Maine and Alaska) it is interesting to note that the incumbents have recommended that the office not be an appointed one.

* * *

The Majority Report stated that "a necessary concomitant of the Governor's position as chief executive of the state is the ability to hire his own lawyer. This is the principle applied in private business and at the federal and local levels of government and the Committee can see no good reason why an exception should be made at the state level of government."

This statement first overlooks the significant differences between the state and federal governments, and fails to recognize the vast differences between private industry and state government, or between municipal and state governments. Secondly, it ignores the fact that the election of the Attorney General would in no way prevent the Governor from choosing his own private counsel. In fact, this is done in New York, Oklahoma, Michigan and several other states where there is an elected Attorney General. Thirdly, and most importantly, the Attorney General is not and should not be the Governor's "own lawyer". This consideration brings into focus the real issue here -- the independence of the Attorney General.

* * *

The elected officials of this state, as well as the appointed officers, are impressed with an imperative public trust; they must operate within the framework of the law. Reliance upon the courts to correct all of the abuses of discretionary power

is seldom a sufficient protection. There ought to be a legal officer responsible to the people in order to ensure that state government does not violate its trust. It is axiomatic in our present state of political science that nearly every action undertaken by government which is of doubtful legality involves an attempted extension or aggrandizement of governmental power at the expense of the individual; self-proposed measures of retrenchment are few and far between. It is this against which the Attorney General must stand guard. The dispute between the Attorney General and the Governor most likely to occur (if any disputes occur at all) would arise when the Attorney General is obliged to say that the Governor has no legal power to do something he wants to do. Whether the Attorney General is elected or appointed will not change the law relevant to the situation, only his willingness to declare honestly what it is. And it is the people of Maryland, not the Governor, who have the greatest stake in this.

When the Conventions of 1864 and 1867 debated the status of the Attorney General, they decided that he should be constitutionally elected, largely in order to ensure his independence of thought and action. The more recent Conventions in other states reflect the same point of view. Statements from many of the incumbent Attorneys General around the country submitted to the recent New York Convention attested to the necessity of ensuring independence through popular election. Particularly overlooked by the Majority Report was the fact that almost every person who has ever been Attorney General of Maryland or had a direct connection with the office and who testified before the Committee opposed the Committee's recommendation because it would destroy what they considered to be vital -- the independence of the Attorney General. Chief Judge Hall Hammond and Associate Judge Thomas B. Finan of the Maryland Court of Appeals, and Judge William C. Walsh all spoke against the proposed change from their own experience in the office, and their expressions were entirely unbiased by personal considerations. The present Attorney General, Mr. Francis B. Burch, concurred in their point of view. Not one person who appeared in support of subservience of the Attorney General to the Governor has had any real experience or connection with the office. The principal witnesses who, to a greater or lesser degree, may be said to be supporters of the Committee's position were the Governor and members of his staff. The Governor's statement, however, clearly reflects his position to have been more of a suggestion than a strong recommendation.

* * *

There is also this to be considered. Judge Henderson, in that part of his testimony before the Committee which dealt with the alleged analogy between the federal and state Attorneys General, characterized the federal agencies as each having its own legal staff "that invariably takes the side of its appointing authority against the views of other jealous agencies." This is the natural consequence of a lack of independence. If every time the Governor and the General Assembly disagree with one another, each gets a lawyer to do its respective bidding, the state will face the prospect of having the law prostituted for political purposes

and having the courts injected into political disputes. In any particular case, what will be the law to be applied: that announced by the counsel to the Governor or that proclaimed by the General Assembly's counsel? The consistency of the application of the law which has been the hallmark of the Attorney General since he has been a constitutional, elected officer will certainly be destroyed.

* * *

Amendment No. 6 to Committee Report No. EB-1 by Delegate Mason from the floor; the amendment was duly seconded..

An amendment to Recommendation No. 4 in Committee Report EB-1 to strike out the word "not".

Delegate Powers, duly seconded, moved that the Committee of the Whole rise and report to the Convention that the Committee has under consideration Committee Report EB-1.

At 5:50 P.M., the Convention resumed its session.

The President reported to the Convention that the Committee of the Whole has under consideration Committee Report EB-1, and desires to sit again on the matter.

At 5:54 o'clock P.M., on motion of Mr. Powers, duly seconded, the Convention adjourned until Wednesday, Nov. 29, 1967 at 10:00 A.M.

CONSTITUTIONAL CONVENTION OF MARYLAND

JOURNAL OF PROCEEDINGS

Annapolis, Maryland
Wednesday, Nov. 29, 1967

The Convention met at 10:00 A.M.

Invocation was offered by the Reverend Robert L. Briggs,
Arlington Presbyterian Church, Towson, Maryland.

Present at roll call were the following delegates:

President, Tawes, Clark, J., James, Abramson, Adkins,
Anderson, Armor, Bamberger, Bard, Barrick, Baumann,
Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe,
Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess,
Bushong, Buzzell, Brynes, Caldwell, Cardin, Carson, Case,
Chabot, Child, Cicone, Clagett, Clarke, E.J., Dabrowski,
Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch,
Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist,
Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson,
Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman,
Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key,
Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton,
Lord, Macdonald, Malkus, Marion, Mason, Maurer, Mentzer,
Miller, B., Miller, E.T., Mitchell, Morgan, Moser, Mosner,
Mudd, Murphy, Murray, D.S., Murray, E.C., Needle, Neilson,
Neumann, Pascal, Penniman, Peters, Powers, Price, Pullen,
Raley, Ritter, Robey, F.C., Robie, K.L., Rollins, Rosenstock,
Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow,
Sickles, Siewierski, Singer, Smith, A.W., Smith, J.H.,
Smith, M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert,
Taylor, H.E., Taylor, L., Ulrich, Vecera, Wagandt, Webb,
Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total - 141

REPORT OF COMMITTEE ON CALENDAR AND AGENDA

Mr. Powers, Chairman of the Committee on Calendar and Agenda,
reported the daily calendar and agenda. Delegate Powers, duly
seconded, moved that the Calendar and Agenda be amended to in-
clude under item 9 resumption of consideration of Committee Re-
port No. EB-1 and that the report as amended be adopted.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

REPORTS OF OTHER STANDING COMMITTEES

Minority Report No. LB-2 (A)

By Delegates Gilchrist, Linton, Clark and Della of the Committee on the Legislative Branch.

This minority report relates to Committee Recommendation No. LB-2.

A MINORITY REPORT that Sec. 3.17 of the new Constitution concerning the Legislative Branch shall include a requirement that bills be adopted by a majority of all the members of the Senate and the House of Delegates, to read as follows:

"No bill shall be enacted nor shall a resolution requiring the action of both houses be adopted unless it is passed in each house by a majority of all the members of that house."

* * *

WHICH WAS READ AND RECEIVED BY THE CONVENTION.

Minority Report No. LB-2 (B)

By Delegates Scanlan, Della, Gilchrist, Linton and Peters of the Committee on the Legislative Branch.

This minority report relates to Committee Recommendation No. LB-2.

A MINORITY REPORT that Article III of the new Constitution not provide for a code of ethics and not require the General Assembly to enact conflict of interest legislation.

A majority of the Committee on the Legislative Branch has recommended that the Constitution contain the following as a section of the Legislative Article:

Section 3.18. Conflict of Interest

The General Assembly shall provide by law for a code of ethics and for the regulation of conflicts of interest for all elected officials of the State of Maryland.

* * *

WHICH WAS READ AND RECEIVED BY THE CONVENTION.

Report of the Committee of the Whole No. 8

This Report covers matters in: General Order No. 7, Committee Recommendation No. JB-1, Delegate Proposal Nos. 5, 81, 100, 101, 105, 115, 127, 155, 156, 157, 169, 170, 209, 210, 219, 236, 255, 262, 268, 290, 307, 354, 373, 381, 404, 413, 417.

* * *

The Committee of the Whole has considered Committee Recommendation No. JB-1 and has approved it with amendments as

indicated in the attachment to this Report. (see below)

WHICH WAS READ AND REFERRED TO THE COMMITTEE ON STYLE,
DRAFTING AND ARRANGEMENT.

* * *

Section 5.06. Composition of Intermediate
Appellate Court.

The Intermediate Appellate Court shall be composed of no fewer than five judges, as prescribed by law. The Intermediate Appellate Court may sit in divisions, ~~as prescribed by rule~~, except that no fewer than three judges shall sit in each case.

* * *

Section 5.08. Composition of Superior Court.

The Superior Court shall be composed of the number of Judges prescribed by law and the number shall be allocated among the counties by law. There shall be at least one Superior Court judge resident in each county. Functional divisions of the Superior Court may be established in any county as prescribed by law or rule.

* * *

Section 5.10. Composition of District Court.

The District Court shall be composed of the number of judges prescribed by law. The State shall be divided by law into districts. Each district shall be composed of one or more entire and adjoining counties. The number of judges shall be allocated among the districts by law, and there shall be at least one District Court judge resident in each ~~district county~~. ~~In any district containing more than one county, a District Court judge shall sit regularly in each county.~~ Functional divisions of the District Court may be established in any district as prescribed by law or rule.

Section 5.11. Commissioners.

There may be commissioners of the District Court in the number and with the qualifications prescribed by rule. Commissioners in a district shall be appointed by and serve at the pleasure of that judge of the District Court who shall be designated by rule to appoint commissioners therein. Commissioners may exercise powers only with respect to warrants of arrest, ~~collateral and~~ *or other terms of pre-trial release or* incarceration pending hearing, and then only as prescribed by rule.

* * *

Section 5.14. Nomination and Appointment.

The governor shall fill a vacancy in the office of judge by appointing one person from a list of no fewer than ~~two~~ *three* nor more than five eligible persons nominated by a judicial nominating commission. Nominations to fill a vacancy shall

be made not more than thirty days prior to nor more than sixty days after the occurrence of the vacancy. If the governor fails to appoint one of the nominees within sixty days after receiving the list, his power to make the appointment shall end and the chief judge of the Court of Appeals shall appoint one of the nominees.

Section 5.15. Appellate Courts Nominating Commission.

Nominations to fill a vacancy on the Court of Appeals or on the Intermediate Appellate Court shall be made by the Appellate Courts Nominating Commission. The Commission shall be composed of six lay persons, and six lawyers, ~~and one judge of the Court of Appeals.~~ The term of each member shall be four years.

Section 5.16. Trial Courts Nominating Commissions.

Nominations to fill a vacancy on the Superior Court and on the District Court shall be made by a trial courts nominating commission. The number and composition of the commissions and the terms of their members shall be prescribed by law, except that each commission shall have no fewer than ~~five~~ six members and shall be composed of an equal number of law and lawyer members, ~~and one judge.~~ Each commission shall make nominations to fill vacancies on the Superior Court in one or more counties, or on the District Court in one of more districts, or both, as prescribed by law.

Section 5.17. Lawyer Members of Nominating Commissions.

Lawyer members of the Appellate Courts Nominating Commission shall be elected *by secret ballot* by lawyers throughout the State. Lawyer members of each trial courts nominating commission shall be elected *by secret ballot* by the lawyers of the area for which such commission is established. Election procedure and eligibility of lawyer members of nominating commissions and of their electors shall be prescribed by ~~rule~~ law.

* * *

Section-5-19. Judicial-Member-of-Nominating-Commissions.

~~The-judicial-member-of-the-Appellate-Courts-Nominating-Commission-shall-be-appointed-by-the-Court-of-Appeals--A-judicial-member-of-each-trial-courts-nominating-commission-shall-be-selected-in-the-manner-prescribed-by-rule.~~

Section 5.20. Rules Governing Nominating Commissions.

Each nominating commission shall act only upon the concurrence of a majority of its members. Each commission shall elect one of its members as chairman. A ~~non-judicial~~ member of a commission may not hold any public office of profit or office in a political party while a member of a commission. A ~~non-judicial~~

member shall not be eligible to hold a judicial office for two years immediately following his service on the commission and he shall not be eligible to hold any other public office of profit for one year immediately following his service. A member of a commission shall receive no compensation for his services.

* * *

Section 5.28. Rules Governing Commission on Judicial Disabilities.

The Commission on Judicial Disabilities shall act only upon the concurrence of a majority of its members. The Commission shall elect one of its members as chairman. A member of the Commission shall receive no compensation for his service. Practice and procedure before the Commission, and the means of implementing the powers granted by Section 5.27, shall be prescribed by rule.

* * *

Report of the Committee of the Whole No. 9

This report covers matters in: General Order No. 10, Committee Recommendation No. GP-4, Delegate Proposal Nos. 250, 285.

The Committee of the Whole has considered Committee Recommendation No. GP-4 and has approved the Recommendation as submitted.

WHICH WAS READ AND REFERRED TO THE COMMITTEE ON STYLE, DRAFTING AND ARRANGEMENT.

Mr. Ira J. Wagonheim, Chief Clerk reported on Delegate Proposals covered by committee recommendations returned to Clerk's Office.

The COMMITTEE ON GENERAL PROVISIONS has returned the following proposals with the report that they are covered by Committee Recommendation GP-4: 250, 285.

The COMMITTEE ON STATE FINANCE AND TAXATION has returned the following proposals with the report that they are covered by Committee Recommendation SF-1: 23, 30, 152, 208, 253, 274.

The COMMITTEE ON GENERAL PROVISIONS has returned the following proposals with the report that they are covered by Committee Recommendation GP-3: 199, 273, 391, 415.

The COMMITTEE ON SUFFRAGE AND ELECTIONS has returned the following proposals with the report that they are covered by Committee Recommendation SE-1: 17, 55, 57, 61, 95, 164, 182, 293, 348, 362.

The COMMITTEE ON LEGISLATIVE BRANCH has returned the following proposals with the report that they are covered by Committee Recommendation LB-1: 3, 12, 33, 48, 54, 63, 64, 67, 73, 74, 82, 83, 110, 125, 138, 139, 148, 162, 215, 224, 235, 239, 264, 278, 281, 294, 304, 326, 340, 350, 365, 378, 388.

The COMMITTEE ON LOCAL GOVERNMENT has returned the following proposals with the report that they are covered by Committee Recommendation LG-1: 7, 10, 88, 107, 113, 126, 166, 220, 226, 231, 232, 310, 352, 359, 369, 370, 374, 375, 383, 385, 387, 392.

The COMMITTEE ON STATE FINANCE AND TAXATION has returned the following proposals with the report that they are covered by Committee Recommendation SF-3: 8, 356, 394.

The COMMITTEE ON GENERAL PROVISIONS has returned the following proposals with the report that they are covered by Committee Recommendation GP-5: 237.

The COMMITTEE ON GENERAL PROVISIONS has returned the following proposals with the report that they are covered by Committee Recommendation GP-2: 180, 405.

The COMMITTEE ON STATE FINANCE AND TAXATION has returned the following proposals with the report that they are covered by Committee Recommendation SF-5: 6, 99, 102, 187, 251, 252, 266, 315, 325, 329, 351, 360, 364.

The COMMITTEE ON JUDICIAL BRANCH has returned the following proposals with the report that they are covered by Committee Recommendation JB-1: 5, 81, 100, 101, 105, 115, 127, 155, 156, 157, 169, 170, 209, 210, 219, 236, 255, 262, 268, 272, 290, 307, 354, 373, 381, 404, 413, 417.

The COMMITTEE ON EXECUTIVE BRANCH has returned the following proposals with the report that they are covered by Committee Recommendation EB-1: 4, 32, 37, 59, 69, 84, 85, 87, 117, 118, 145, 146, 147, 165, 168, 184, 204, 211, 212, 217, 233, 242, 243, 244, 245, 246, 282, 292, 332, 338, 353, 355, 371, 376, 377.

The COMMITTEE ON PERSONAL RIGHTS AND THE PREAMBLE has returned the following proposals with the report that they are covered by Committee Recommendation PR-2: 36, 76, 161, 178, 411, 428, 444, 31 (returned with PR-1), 135 (returned with PR-1).

The COMMITTEE ON STATE FINANCE AND TAXATION has returned the following proposals with the report that they are covered by Committee Recommendation SF-4: 6.

The COMMITTEE ON LEGISLATIVE BRANCH has returned the following proposals with the report that they are covered by Committee Recommendation LB-2: 46, 65, 104, 109, 120, 163, 167, 200, 256, 258, 279, 280, 283, 284, 306, 308, 309, 313, 317, 330, 342, 343, 344, 347, 367, 368, 400, 402, 403, 433, 438, 443.

The COMMITTEE ON GENERAL PROVISIONS has returned the following proposals with the report that they are covered by Committee Recommendation GP-1: 89, 133.

The COMMITTEE ON STATE FINANCE AND TAXATION has returned the following proposals with the report that they are covered by Committee Recommendation SF-2: 24, 39, 108.

The COMMITTEE ON PERSONAL RIGHTS AND THE PREAMBLE has returned the following proposals with the report that they are covered by Committee Recommendation PR-1: 1, 13, 14, 15, 16, 18, 19, 26, 26, 31, 35, 38, 42, 43, 44, 47, 52, 53, 56, 68, 70, 79, 80, 91, 92, 94, 97, 98, 119, 124, 130, 132, 135, 136, 137, 151, 152, 158, 171, 172, 173, 174, 175, 176, 185, 190, 193, 195, 196, 197, 205, 218, 225, 227, 229, 230, 238, 247, 249, 254, 257, 260, 263, 275, 289, 296, 297, 301, 302, 303, 324, 327, 332, 333, 336, 349, 395, 401, 407, 410, 416, 419, 423, 434, 436, 439, 442.

At 10:14 A.M. Delegate Powers, duly seconded, that the Convention resolve itself into the Committee of the Whole to consider the General Orders of the day.

COMMITTEE OF THE WHOLE GENERAL ORDERS OF THE DAY

Mr. Eney presided.

Consideration of Comm. Report EB-1, Recommendation No. 4.

Amendment No. 6 To Committee Report No. EB-1: By Delegate Mason

An amendment to Recommendation No. 4 in Committee Report EB-1 to strike out the word "not"

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates -

President, Tawes, Clark, J., James, Abramson, Anderson, Armor, Bard, Barrick, Baumann, Beachley, Beall, Blair, Boyer, Burgess, Bushong, Buzzell, Caldwell, Cardin, Carson, Case, Child, Cicone, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fox, Frederick, Gallagher, Gilchrist, Grant, Groh, Grumbacher, Gullett, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Litzel, Linton, Malkus, Mason, Mitchell, Moser, Mosner, Murphy, Murray, D.S., Murray, E.C., Neumann, Pascal, Peters, Price, Pullen, Raley, Ritter, Robie, K.L., Rollins, Rosenstock, Rush, Rybczynski, Schloeder, Sherbow, Siewierski, Smith, A.W., Sosnowski, Soul, Stern, Storm, Sybert, Taylor, H.E., Taylor, L., Vecera, Webb, Weidemeyer, Wheatley, Willis

Total - 91

Negative

Delegates -

Anderson, Bamberger, Bennett, Boileau, Borom, Bothe, Boyce, Bradshaw, Bryson, Burdette, Byrnes, Chabot, Clagett, Clark, E.J., Fornos, Freedlander, Gill, Gleason, Hanson, Hardwidke, Jett, Koss, Macdonald, Marion, Maurer, Mentzer, Miller, B., Miller, E.T., Morgan, Mudd, Needle, Neilson, Penniman, Powers, Robey, F.C., Scanlan, Schneider, Sickles, Singer, Smith, J.H., Smith, M.H., Sollins, Ulrich, Wagandt, White, Willoner, Winslow. Total - 47

Not Voting

Delegates -

Boyles, Cleveland, Dabrowski, Lord. Total - 4

The President put the question on the adoption of Recommendation 4 to Committee Report EB-1 as amended...that the office of Attorney General be provided for in the Constitution.

RECOMMENDATION NO. 4 TO COMMITTEE REPORT EB-1 AS AMENDED WAS ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates -

President, Tawes, Clark, J., James, Abramson, Anderson, Armor, Bard, Barrick, Baumann, Beachley, Blair, Boyer, Burgess, Bushong, Byzzell, Caldwell, Cardin, Carson, Case, Child, Cicone, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fox, Frederick, Gallagher, Gilchrist, Grant, Groh, Grumbacher, Gullett, Hanson, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Leitzel, Linton, Malkus, Mason, Mentzer, Mitchell, Moser, Mosner, Murphy, Murray, D.S., Murray, E.C., Neumann, Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Ritter, Robie, K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Sherbow, Siewierski, Smith, A.W., Sosnowski, Soul, Stern, Storm, Sybert, Taylor, H.E., Taylor, L., Ulrich, Vecera, Webb, Weidemeyer, Wheatley, Willis Total - 97

Negative

Delegates -

Adkins, Bamberger, Beall, Bennett, Boileau, Borom, Bothe, Boyce, Bradshaw, Bryson, Burdette, Byrnes, Chabot, Clagett, Clarke, E.J., Fornos, Freedlander, Gill, Gleason, Hardwicke, Koss, Macdonald, Marion, Maurer, Miller, B. Miller, E.T., Morgan, Mudd, Needle, Robey, F.C., Schneider, Sickles, Singer, Smith, J.H., Smith, M.H., Sollins, Wagandt, White, Willoner, Winslow Total - 40

Not Voting

Delegates -

Boyles, Cleveland, Dabrowski, Lord, Neilson Total - 5

Delegate Gleason, duly seconded, moved to reconsider the vote by which the Committee of the Whole approved Recommendation No. 2 in Committee Report EB-1 as amended and to reconsider the vote by which Recommendation No. 2 was amended.

SAID MOTION PREVAILED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates -

Adkins, Bamberger, Bard, Beall, Bennett, Boileau, Borom, Bothe, Boyce, Bradshaw, Bryson, Burdette, Byrnes, Chabot, Clagett, Clarke, E.J., Dulany, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Bullett, Hanson, Hardwicke, Hargrove, Harris, Henderson, Hopkins, Jett, Key, Koger, Koss, Lord, Macdonald, Marion, Maurer, Mentzer, Miller, B., Miller, E.T., Morgan, Moser, Mosner, Mudd, Needle, Neilson, Neumann, Pascal, Penniman, Powers, Raley, Robey, F.C., Scanlan, Schloeder, Schneider, Sickles, Siewierski, Singer, Smith, J.H., Smith, M.H., Sollins, Ulrich, Wagandt, White, Willoner, Winslow Total - 71

Negative

Delegates -

Tawes, Clark, J., James, Abramson, Armor, Barrick, Baumann, Beachley, Blair, Boyer, Burgess, Bushong, Buzzell, Caldwell, Cardin, Carson, Case, Child, Cicone, Darby, Della, Dorsey, Dukes, Eckenrode, Finch, Frederick, Harkness, Hickman, Hostetter, Hutchinson, Johnson, Kahl, Kiefer, Kirkland, Kosakowski, Litzel, Linton, Malkus, Mason, Mitchell, Murphy, Murray, D.S., Murray, E.C., Peters, Price, Pullen, Ritter, Robie, K.L., Rollins, Rosenstock, Rush, Rybczynski, Sherbow, Smith, A.W., Sosnowski, Soul, Stern, Storm, Sybert, Taylor, H.E., Taylor, L., Vecera, Webb, Weidemeyer, Wheatley, Willis. Total- 67

Not Voting

Delegates -

President, Boyles, Cleveland, Dabrowski. Total - 4

At 12:24 P.M. Delegate Morgan reported to the Committee on Recommendation No. 5 in Committee Report EB-1.

RECOMMENDATION NO. 5 WAS APPROVED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates -

President, Tawes, Clark J., James, Abramson, Anderson, Armor, Bamberger, Bard, Barrick, Beachley, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Bradshaw, Burdette, Burgess, Bushong, Buzzell, Byrnes, Caldwell, Carson, Case, Chabot, Child, Cicone, Clagett, Clark E.J., Dabrowski, Darby, Dukes, Dulany, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Key, Kiefer, Koger, Koss, Leitzel, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller E.T., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Robey F.C., Robie K.L., Rollins, Rosenstock, Rybczynski, Scanlan, Schloeder, Sickles, Singer, Smith A.W., Smith M.H., Sollins, Sosnowski, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow. Total - 115

Negative

Delegates -

None

Not Voting

Delegates -

Adkins, Baumann, Beall, Boyer, Boyles, Bryson, Cardin, Cleveland, Della, Dorsey, Eckenrode, Gleason, Harkness, Kahl, Kirkland, Kosakowski, Linton, Malkus, Miller B., Ritter, Rush, Schneider, Sherbow, Siewierski, Smith J.H., Soul, Vecera. Total--27

Delegate Sybert duly seconded, moved: Recommendation No. 2 of Committee Report No. EB-1 be amended by striking "not".

SAID MOTION FAILED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates -

Tawes, Clark, J., James, Abramson, Anderson, Armor, Barrick, Baumann, Beachley, Blair, Boyer, Burgess, Bushong, Buzzell,

Caldwell, Cardin, Carson, Case, Child, Cicone, Dabrowski,
 Darby, Della, Dorsey, Dukes, Eckenrode, Finch, Frederick,
 Harkness, Hickman, Hostetter, Hutchinson, Johnson, Kahl,
 Kiefer, Kirkland, Kosakowski, Leitzel, Linton, Malkus, Mason,
 Mitchell, Murphy, Murray D.S., Murray E.C., Peters, Price,
 Pullen, Ritter, Robie, K.L., Rollins, Rosenstock, Rush,
 Rybczynski, Sherbow, Siewierski, Smith A.W., Sosnowski, Soul,
 Stern, Storm, Sybert, Taylor H.E., Taylor L., Vecera, Webb,
 Weidemeyer, Wheatley, Willis

Total - 69

Negative

Delegates -

President, Adkins, Bamberger, Bard, Beall, Bennett, Boileau,
 Borom, Bothe, Boyce, Bradshaw, Bryson, Burdette, Byrnes,
 Chabot, Clagett, Clarke E.J., Dulany, Fornos, Fox, Freedlander,
 Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher,
 Gullett, Hanson, Hardwicke, Hargrove, Harris, Henderson,
 Hopkins, Jett, Key, Koger, Koss, Lord, Macdonald, Marion,
 Maurer, Mentzer, Miller B., Miller E.T., Morgan, Moser, Mosner,
 Mudd, Needle, Neilson, Neumann, Pascal, Penniman, Powers,
 Raley, Robey F.C., Scanlan, Schloeder, Schneider, Sickles,
 Singer, Smith J.H., Smith M.H., Sollins, Ulrich, Wagandt,
 White, Willoner, Winslow

Total - 71

Not Voting

Delegates -

Boyles, Cleveland

Total - 2

RECOMMENDATION NO. 2 IN COMMITTEE REPORT EB-1 WAS NOT
 APPROVED BECAUSE OF A TIE VOTE AS FOLLOWS:

Affirmative

Delegates -

President, Adkins, Bamberger, Bard, Beall, Bennett, Boileau,
 Borom, Bothe, Boyce, Bradshaw, Bryson, Burdette, Byrnes,
 Chabot, Clagett, Clark E.J., Dulany, Fornos, Fox, Freedlander,
 Gallagher, Gilchrist, Gill, Gleason, Groh, Grumbacher, Gullett,
 Hanson, Hardwicke, Hargrove, Harris, Henderson, Hopkins, Jett,
 Key, Koger, Koss, Lord, Macdonald, Marion, Maurer, Mentzer,
 Miller B., Miller E.T., Morgan, Moser, Mosner, Mudd, Needle,
 Neilson, Neumann, Pascal, Penniman, Powers, Raley, Robey F.C.,
 Scanlan, Schloeder, Schneider, Sickles, Singer, Smith J.H.,
 Smith M.H., Sollins, Ulrich, Wagandt, White, Willoner, Winslow

Total - 70

Negative

Delegates -

Tawes, Clark J., James, Abramson, Anderson, Armor, Barrick,

Baumann, Beachley, Blair, Boyer, Burgess, Bushong, Buzzell,
 Caldwell, Cardin, Carson, Case, Child, Cicone, Dabrowski,
 Darby, Della, Dorsey, Dukes, Eckenrode, Finch, Frederick,
 Grant, Harkness, Hickman, Hostetter, Hutchinson, Johnson,
 Kahl, Kiefer, Kirkland, Kosakowski, Leitzel, Linton, Malkus,
 Mason, Mitchell, Murphy, Murray, D.S., Murray, E.C., Peters,
 Price, Pullen, Ritter, Robie, K.L., Rollins, Rosenstock,
 Rush, Rybczynski, Sherbow, Siewierski, Smith, A.W., Sosnowski,
 Soul, Stern, Storm, Sybert, Talor, H.E., Taylor, L., Vecera,
 Webb, Weidemeyer, Wheatley, Willis

Total - 70

Not Voting

Delegates -

Boyles, Cleveland

Total - 2

Mr. Morgan, Chairman of the Committee on the Executive Branch, reported on Committee Recommendation No. EB-1.

A RECOMMENDATION that the Constitution include an Article establishing the Executive Branch of the State Government to read as follows:

ARTICLE IV. EXECUTIVE BRANCH.

Section 4.01. Executive Power.

The executive power of the State shall be vested in the governor, and he shall faithfully execute the laws.

Section 4.02. Governor.

To be eligible for election as governor, a person shall have attained the age of thirty years at the time of his election, and shall have been a qualified voter in the State for at least five years immediately preceding his election. No person elected governor for two full consecutive terms shall be eligible to hold that office again until one full term has intervened.

Section 4.03. Lieutenant Governor.

There shall be a lieutenant governor who shall perform such duties as may be prescribed by law and such other duties as may be delegated to him by the governor. To be eligible for election as lieutenant governor, a person shall have attained the age of thirty years at the time of his election, and shall have been a qualified voter in the State at least five years immediately preceding his election. No person elected governor shall be eligible to hold the office of lieutenant governor.

Section 4.04. Salary of Governor and Lieutenant Governor, Comptroller, and Attorney General.

The governor and lieutenant governor shall receive for their services such salaries as may be prescribed by law, which shall be neither increased nor diminished during the term for which they shall have been elected.

Section 4.05. Election of Governor and Lieutenant Governor.

The governor shall be elected by those voters qualified to vote in State elections for a term of four years and shall serve until someone has qualified to succeed to the office of governor or to serve as acting governor. The term of the governor shall begin on the first Wednesday of January following his election unless such day is a legal holiday in which case his term shall begin on the first Thursday of January following his election. In the event of a tie vote, the governor shall be elected from the candidates having received the tie vote by the affirmative vote in joint session of a majority of the combined membership of both houses of the General Assembly as the first order of business after their organization. Each candidate for lieutenant governor shall run jointly in the general election with a candidate for the governor and the votes cast for one shall be considered as cast also for the other. The candidate for lieutenant governor whose name appears on the ballot jointly with that of the successful candidate for governor shall be elected lieutenant governor for the same term as the governor.

Section 4.06. Failure of Governor to Take Office.

When the governor-elect is disqualified, resigns or dies following his election, but prior to taking office, the lieutenant governor-elect shall succeed to the office of governor for the full term. When the governor-elect fails to assume office for any other reason, the lieutenant governor-elect shall serve as acting governor, until the governor-elect assumes office or the office becomes vacant.

Section 4.07. Lieutenant Governor as Acting Governor.

When the governor notifies the lieutenant governor in writing that he will be temporarily unable to carry out the duties of his office or when the governor is disabled and thereby unable to communicate such inability to the lieutenant governor, the lieutenant governor shall serve as acting governor until the governor notifies the lieutenant governor in writing that he is able to carry out the duties of his office or until the office becomes vacant.

Section 4.08. Removal of Governor and Lieutenant Governor from Office.

The General Assembly may, by the affirmative vote in joint session of three-fifths of the combined membership of both houses, pass a resolution stating that the governor or governor-elect is unable to carry out the duties of his office by reason of a physical or mental disability. If the General Assembly passes such a resolution, it shall be delivered to the Court of Appeals which shall then have exclusive jurisdiction to determine whether the governor or governor-elect is unable to discharge the duties of his office by reason of a disability. If the Court of Appeals determines that the governor or governor-elect is unable to discharge the duties of his office by reason of a disability, the office shall be vacant.

Section 4.09. Succession to Office of Governor and Lieutenant Governor.

When a vacancy occurs in the office of governor, the lieutenant governor shall succeed to the office of governor for the unexpired term. When a vacancy occurs in the office of lieutenant governor, the governor shall nominate a successor who shall succeed to the office of lieutenant governor upon confirmation by a majority vote of all members of the General Assembly in joint session. If vacancies coexist in the offices of the governor and lieutenant governor during the first year of their term, the offices shall be filled for the unexpired term by election at the next regular election and the President of the Senate shall serve as acting governor until the newly elected governor has qualified. If vacancies coexist in the offices of governor and lieutenant governor after the first year of their term, the President of the Senate shall succeed to the office of governor. When the lieutenant governor should serve as acting governor but a vacancy exists in the office of lieutenant governor, the President of the Senate shall serve as acting governor. When the President of the Senate should succeed to the office of governor or serve as acting governor but a vacancy exists in the office of the President of the Senate the Senate shall convene and fill the vacancy.

Section 4.10. Powers and Duties of Successor.

When the lieutenant governor or the President of the Senate succeeds to the office of governor, he shall have the title, powers, duties and emoluments of the office; but when the lieutenant governor or the President of the Senate serves as acting governor, he shall have only the powers and duties of the office. When the President of the Senate serves as acting governor, he shall continue to be President of the Senate; but during his service as acting governor, his duties as President shall be performed by such person as the Senate shall select.

Section 4.11. Court of Appeals Jurisdiction to Determine Disputes.

In the event of disputes or questions arising in regard to the failure of the governor to take office, the lieutenant governor serving as acting governor, the removal of the governor from office, the succession to the office of governor and lieutenant governor, or the powers and duties of such successors, the Court of Appeals shall have exclusive jurisdiction to hear and determine such disputes or questions.

Section 4.12. Message to General Assembly.

The governor shall from time to time inform the General Assembly of the conditions of the State and recommend such measures as he considers necessary or desirable.

Section 4.13. Convening General Assembly.

The governor may, on extraordinary occasions, convene the General Assembly or the Senate alone by proclamation, stating the purpose for which he has convened it.

Section 4.14. Veto by Governor.

All bills passed by the General Assembly shall be subject to veto by the governor, except budget bills and bills proposing amendments to the Constitution.

Section 4.15. Item Veto.

The governor may strike out or reduce any item in a supplementary appropriation bill and the procedure in such a case shall be the same as in the case of the veto of a bill by the governor.

Section 4.16. Presentation of Bills to Governor.

If the General Assembly is in session, a bill shall become law if the governor signs or fails to veto it within twenty days of presentation. If the General Assembly has adjourned *sine die*, the bill shall become law if the governor signs or fails to veto it within thirty days of presentation.

Section 4.17. Return of Vetoed Bills.

If the governor vetoes a bill while the General Assembly is in session, he shall return it forthwith to the General Assembly. If the governor vetoes a bill following the adjournment *sine die* of the General Assembly, he shall return it forthwith to any special session of the General Assembly which may be convened for the purpose of reconsidering vetoed bills. A bill that is returned by the governor may be reconsidered by the General

Assembly; and if, upon reconsideration, the bill is passed by the affirmative vote of three-fifths of all the members of each house, it shall become law and shall take effect on the July 1 following, unless the General Assembly shall by joint resolution fix another effective date subsequent to its passage.

Section 4.18. Organization of the Executive Branch.

All functions, powers, and duties of the executive and administrative offices, agencies, and instrumentalities of the executive branch of state government shall be prescribed and allocated by law among and within not more than twenty principal departments so as to group them according to major purposes. The number of principal departments may be changed by law enacted by a three-fifths vote of all members of each house of the General Assembly. Regulatory, quasi-judicial and temporary agencies and commissions established by law may, but need not, be allocated within a principal department.

Temporary Provision.

Section _____. Initial Organization.

The initial allocation of offices, agencies, and instrumentalities, among and within principal departments by law pursuant to Section 4.18 of this Constitution, shall be completed by the General Assembly within two years after the effective date of the Constitution. If such allocation is not completed within such period, the governor, within one year thereafter, by executive order shall make the initial allocation. Such executive order shall have the force of law without being subject to disapproval by the General Assembly.

Section 4.19. Reorganization of the Executive Branch.

The General Assembly shall by law prescribe the functions, powers and duties of the departments, offices, agencies and instrumentalities of the executive branch of the state government and may from time to time reallocate departments, offices, agencies and instrumentalities among principal departments, may increase, modify, diminish and change their functions, powers and duties and may assign new functions, powers and duties to them. The governor may make changes in the organization of the executive branch, including the establishment or abolition of principal departments, and in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders in statutory form and submitted to the General Assembly within the first ten days of a regular session and they shall become effective and have the force of law on a date designated in the executive orders, unless specifically disapproved within fifty days after submission by a resolution of disapproval concurred in by a majority of all the members of either house of the General Assembly.

Section 4.20. Heads of Principal Departments of the Executive Branch.

The head of each principal department of the executive branch, including the chief legal officer and the chief fiscal officer, shall be a single executive unless otherwise provided by law. When a board or commission is at the head of a principal department a chief administrative officer shall be provided for it by law.

Section 4.21. Appointment of Heads of Principal Departments and Chief Administrative Officers.

The governor shall, with the advice and consent of the Senate, appoint each individual executive serving as head of a principal department of the executive branch and individuals to fill vacancies in all boards and commissions serving as heads of principal departments. He shall also, with the advice and consent of the Senate, appoint individuals to fill vacancies on regulatory and quasi-judicial agencies. Acting alone he shall appoint each chief administrative officer serving under a board or commission which is the head of a principal department of the executive branch, except the head or chief administrative officer of an institution of higher education or of the state public school system. Gubernatorial appointees serving as heads of principal departments shall have such occupational qualifications as may be prescribed by law.

Section 4.22. Terms of Office.

Each individual executive serving as the head of a principal department, and each chief administrative officer of a board or commission serving as the head of a principal department, except the head or chief administrative officer of an institution of higher education or of the state public school system, shall serve at the pleasure of the governor. The terms of office of the members of each board or commission which serves as the head of a principal department, except the governing board of an institution of higher education or of the state public school system, shall be prescribed by law in such manner that the governor, upon taking office following his election, shall be able forthwith to appoint at least one-half of the members.

Section 4.23. Appointment and Removal of Other Officers of the Executive Branch.

All personnel in the executive branch of state government whose method of appointment or removal is not specifically dealt with in this Article shall be appointed and may be removed as prescribed by law.

Section 4.24. Interim and Recess Appointments.

In case of a vacancy occurring in any office which the governor has power to fill only with the advice and consent of the Senate, he shall appoint some suitable person to said office.

If such appointment is made within the first sixty days of a regular session of the General Assembly, the governor shall submit the nomination of the person thus appointed, or of some other person in his place, to the Senate. If such appointment is made at any other time, the governor shall submit such nomination to the Senate at the beginning of the next regular session of the General Assembly. The commission of any such appointee shall continue in force until the end of the next regular session of the General Assembly, or until the expiration of the term of the office which the nominee was appointed to fill, or until his nomination is rejected by the Senate, whichever shall first occur. No person, after being rejected by the Senate, shall be again nominated for the same office at the same session, unless at the request of the Senate; or, be appointed to the same office during the recess of the General Assembly.

Section 4.25. Information from Administrative Officers.

The governor may at any time require information, in writing or otherwise, from any officer of any department, office or agency in the executive branch of the State government.

Section 4.26. Executive Clemency.

The governor shall have power to grant reprieves, commutations and pardons, except in cases of conviction upon impeachment, and to remit fines and forfeitures for offenses against the State. He shall file for public record with the Court of Appeals at least annually a report of the instances of the exercise of this power.

Section _____. State's Attorney.

There shall be a state's attorney in each county or district which may be prescribed by law, who shall be elected by the eligible voters of the state who are qualified to vote in the county or district which he serves. The term of office, functions, powers and duties, method of filling vacancies and all other matters relating to the office of state's attorney, shall be prescribed by law.

Delegate Powers, duly seconded, moved that the Committee of the Whole Rise and Report to the Convention.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

At 1:03 P.M. the Convention resumed its session.

The President reported to the Convention that the Committee of the Whole has taken no action on Recommendation No. 1 in Committee Report EB-1 but has made it a special order of business for a later time. Also, no action on Recommendation No. 2 as a result of a tie vote on the matter and has approved Recommendation No. 3, and has approved as amended Recommendation No. 4,

and has approved Recommendation No. 5 in Committee Report EB-1.

At 1:05 p.m. on motion of Mr. Powers the Convention took a recess until 2:30 p.m.

At 2:30 p.m. the Convention resumed its session.

Present at roll call were the following delegates:

President, Tawes, Clark, J., James, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Bothe, Boyce, Boyer, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Child, Cicone, Clagett, Clarke, E.J., Dabrowski, Darby, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Groh, Grumbacher, Hanson, Hardwicke, Hargrove, Harkness, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Key, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller, B., Mitchell, Morgan, Moser, Mosner, Mudd, Murray, D.S., Murray, E.C., Needle, Neumann, Penniman, Peters, Powers, Price, Pullen, Raley, Robey, F.C., Robie, K.L. Rollins, Rosenstock, Rybczynski, Scanlan, Schneider, Sherbow, Sickles, Singer, Smith, A.W., Smith, J.H., Smith, M.H., Sollins, Soul, Stern, Storm, Sybert, Taylor, H.E., Taylor, L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, Willis, Winslow.

Total - 118

At 2:38 p.m. Delegate Powers, duly seconded, moved that the Convention resolve itself into a Committee of the Whole to resume consideration of the General Orders of the Day.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

COMMITTEE OF THE WHOLE - GENERAL ORDERS OF THE DAY

Mr. Clark presided.

Mr. Morgan continued to report on Committee Recommendation EB-1.

At 3:45 p.m. Mr. Fox replaced Mr. Clark as Chairman of the Committee.

At 4:00 p.m. Mr. Clark returned to the Chair.

At 4:55 p.m. Delegate Scanlan asked for a Quorum Call which resulted as follows:

Present were Delegates Tawes, Clark, J., Anderson, Armor, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke, E.J., Darby, Della, Dukes, Dulany, Echenrode, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Grant, Groh, Grumbacher, Hanson, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Marion, Maurer, Mentzer, Miller, B., Mitchell, Morgan, Moser, Mosner, Mudd, Murray, D.S., Murray, E.C., Neumann, Penniman, Peters, Price, Pullen, Raley, Robey, F.C., Robie, K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Singer, Smith, J.H., Smith, M.H., Sollins, Sosnowski, Soul, Stern, Taylor, H.E., Taylor, L., Ulrich, Vecera, Wagandt, Webb, Ritter, Weidemeyer, Wheatley, Willis, Willoner, Winslow.

Total - 111.

Amendment No. 1, Committee Recommendation No. EB-1 by Delegates Bothe, Bamberger, Sollins, from the floor. The Amendment was duly seconded.

In Section 4.05 Election of Governor and Lieutenant Governor, after the words "lieutenant governor" add the words "and for attorney general"; and strike out lines 49 and 50 and insert in lieu thereof the following: "also for the other two candidates. The candidates for lieutenant governor and attorney general whose names appear on the"; and before the word "for" insert the words "and attorney general respectively".

WITH PERMISSION OF THE COMMITTEE OF THE WHOLE CONSIDERATION OF AMENDMENT 1 WAS DELAYED.

Amendment No. 2, Committee Recommendation No. EB-1 by The Committee on the Executive Branch, Gerald D. Morgan, Chairman, from the floor. The Amendment was duly seconded.

In section 4.08 Removal of Governor from Office strike out the word "or" and insert in lieu thereof a comma, and in the same line after the word "governor-elect" add the words ", lieutenant governor, or lieutenant governor-elect"; and strike out respectively in each instance the words "the governor or governor-elect" and insert in lieu thereof in each instance the words "such officer".

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates -

James, Abramson, Adkins, Armor, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Bradshaw, Bryson, Burdette,

Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Dorsey, Dukes, Dulany, Echenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Grant, Groh, Hargrove, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Macdonald, Marion, Mason, Miller B., Morgan, Moser, Mosner, Mudd, Murray D.C., Murray E.C., Needle, Neilson, Neumann, Smith A.W., Pascal, Penniman, Peters, Powers, Pullen, Raley, Robey F.C., Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Ritter, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total - 114

Negative

Bushong

Total - 1

Not Voting

President, Tawes, Clark J., Anderson, Bamberger, Bard, Barrick, Baumann, Boyles, Burgess, Cleveland, Della, Gleason, Grumbacher, Gullett, Hanson, Hardwick, Harkness, Kiefer, Lord, Malkus, Maurer, Mentzer, Miller E.T., Mitchell, Murphy, Price

Total - 27

At 5:25 p.m. Mr. Eney returned to the Chamber and took over as Chairman.

Amendment No. 3, Committee Recommendation No. EB-1, by Delegate Gallagher from the floor. The Amendment was duly seconded.

In Section 4.17 Return of Vetoes Bill, after the word "bills" insert the words "or to the next regular session of the same General Assembly".

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates -

President, Tawes, Clark, J. Abramson, Bamberger, Barrick, Baumann, Bennett, Blair, Borom, Bothe, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Caldwell, Cardin, Case, Chabot, Child, Cicone, Dabrowski, Della, Dorsey, Dulany, Echenrode, Finch, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Grant, Groh, Hanson, Hargrove, Harkness, Hickman, Hopkins, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Marion, Mentzer, Miller, B., Mitchell, Moser, Mosner, Mudd, Murray, D.S.,

Murray E.C., Needle, Neilson, Neumann, Smith A.W., Pascal, Penniman, Peters, Powers, Pullen, Raley, Robie K.L., Rosenstock Rybcznski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith J.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Vecera, Webb, Ritter, Weidemeyer, Wheatley, White, Willis, Willoner.

Total - 100

Negative

Delegates -

Adkins, Boileau, Boyce, Clagett, Clarke E.J., Darby, Dukes, Henderson, Hutchinson, Jett, Macdonald, Mason, Maurer, Morgan, Robey F.C., Smith M.H., Taylor H.E., Taylor L., Ulrich, Wagandt, Winslow.

Total - 21

Not Voting

Delegates -

James, Anderson, Armor, Bard, Beachley, Beall, Carson, Cleveland, Fornos, Gleason, Grumbacher, Gullett, Hardwick, Harris, Hostetter, Malkus, Miller E.T., Murphy, Price, Rollins, Rush.

Total - 21

Delegate Powers, duly seconded, moved that the Committee of the Whole Rise and report to the Convention.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

At 6:00 p.m. the Convention resumed its session.

The President reported to the Convention that the Committee of the Whole has under consideration Committee Recommendation No. EB-1 and desires to sit again to consider the matter.

At 6:01 p.m. on motion of Mr. Powers the Convention took a recess until 7:30 p.m.

At 7:30 p.m. the Convention resumed its session. Present at roll call were the following Delegates:

President, Tawes, Clark, J., James, Abramson, Adkins, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke, E.J., Dabrowski, Darby, Della, Dorsey, Dukes, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Grant, Groh, Grumbacher, Hanson, Hargrove, Harkness, Hickman, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Lord, Malkus, Marion, Maurer, Mentzer, Miller, B., Mitchell, Morgan, Moser, Mosner, Mudd,

Murphy, Murray D.S., Murray E.C., Needle, Neumann, Smith A.W., Pascal, Penniman, Peters, Powers, Pullen, Raley, Robey F.C., Robie K.L., Rosenstock, Rush, Rybczynski, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Ritter, Wheatley, White, Willis, Willoner, Winslow.

Total - 117

Delegate Powers, duly seconded, moved that debate schedule #6 be amended to add --

"Presentation by sponsor of amendments limited to 10 minutes including time yielding in answering questions" and that debate schedule as amended along with debate schedule #7 be adopted.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

Debate Schedule No. 6 For Debate of Committee Recommendation No. EB-1.

There will be no general debate, and after presentation of the Committee Report, the Committee Recommendation will be open to debate and amendment seriatim, no speech exceeding three (3) minutes (except as otherwise provided) as follows:

Note: Speeches alternate between sides whenever there is a total limit on a subject.

WHICH WAS READ AND ADOPTED BY VOICE VOTE.

Debate Schedule No. 7 For Debate of Committee Recommendation No. LB-2.

There will be no general debate, and after presentation of the Committee report, the Committee Recommendation LB-2 will be open to debate and amendment section-by-section, no speech exceeding three (3) minutes, as follows:

The three minute speech limitation does not apply to time consumed by the Committee Chairman or the spokesman for the minority in answering questions.

Presentation by sponsor of amendments limited to 10 minutes including time yielded in answering questions.

Note: Speeches alternate between sides.

WHICH WAS READ AND ADOPTED BY VOICE VOTE.

At 7:50 p.m. Delegate Powers, duly seconded, moved that the

Convention resolve itself into the Committee of the Whole to continue considering the General Orders of the Day.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

COMMITTEE OF THE WHOLE - GENERAL ORDERS OF THE DAY

Mr. Eney presided.

Amendment No. 4, Committee Recommendation No. EB-1, by Delegate Gallagher, from the floor. The Amendment was duly seconded.

In Section 4.13 Convening General Assembly strike out the words "the General Assembly or the Senate alone" and insert in lieu thereof the words "the Senate".

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates -

President, Tawes, Clark J., James, Abramson, Adkins, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Caldwell, Cardin, Carson, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gill, Grant, Groh, Grumbacher, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hutchinson, Jett, Johnson, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Lord, Macdonald, Marion, Mason, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Smith A.W., Pascal, Penniman, Peters, Powers, Pullen, Raley, Robey F.C., Robie K.L., Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Ritter, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total - 120

Negative

Delegates -

Price, Rush

Total - 2

Not Voting

Delegates -

Anderson, Bennett, Case, Cleveland, Della, Gilchrist, Gleason, Bullett, Hanson, Hardwick, Hostetter, Leitzel, Linton, Malkus,

Maurer, Mentzer, Miller, E.T., Price, Rollins, Rosenstock.

Total - 20

Amendment No. 5, Committee Recommendation No. EB-1, by Delegate Storm from the Floor. The Amendment was duly seconded.

In Section 4.03. Lieutenant Governor after the word "governor" add the words: "but the General Assembly may limit the powers and duties which the governor may delegate to the lieutenant governor".

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates -

Dorsey, Eckenrode, Kahl, Kirkland, Murphy, Pullen, Rush, Siewierski, Sosnowski, Soul, Stern, Storm, Sybert, Vecera, Weidemeyer.

Total - 15

Negative

Delegates -

President, Tawes, Clark J., James, Abramson, Adkins, Armor, Bamberger, Bard, Baumann, Beachley, Beall, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Dukes, Dulany, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Grant, Groh, Grumbacher, Hanson, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hutchinson, Jett, Johnson, Key, Kiefer, Koger, Kosakowski, Koss, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Smith A.W., Pascal, Penniman, Peters, Powers, Raley, Robey F.C., Robie K.L., Rosenstock, Rybcznski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Singer, Smith J.H., Smith M.H., Sollins, Taylor H.E., Taylor L., Ulrich, Wagandt, Wheatley, White, Willis, Willoner, Winslow.

Total - 111

Not Voting

Delegates -

Anderson, Barrick, Bennett, Cleveland, Della, Gleason, Gullett, Hardwick, Hostetter, Leitzel, Malkus, Miller E.T., Price, Rollins, Webb, Ritter.

Total-16

Amendment No. 6, Committee Recommendation No. EB-1 by Delegate Storm from the floor. The amendment was duly seconded.

Following Section 4.03 Lieutenant Governor add this new section:

"Term of Lieutenant Governor

The lieutenant governor shall serve at the pleasure of the Governor."; and in Section 4.05 Election of Governor and Lieutenant Governor strike out the following words: "for the same term as the governor".

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates -

Della, Dorsey, Dukes, Hostetter, Koss, Siewierski, Sosnowski, Soul, Stern, Storm, Ritter.

Total - 11

Negative

Delegates -

President, Tawes, Clark J., James, Abramson, Adkins, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Dulany, Eckenrode, Finch, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Grant, Groh, Grumbacher, Hanson, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Koger, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Smith A.W., Pascal, Penniman, Peters, Powers, Pullen, Raley, Robey F.C., Robie K.L., Rosenstock, Rush, Sybczynski, Scanlan, Schneider, Sherbow, Sickles, Singer, Smith J.H., Smith M.H., Sollins, Taylor H.E., Taylor L., Ulrich, Wagandt, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total - 113

Not Voting

Delegates -

Bennett, Fornos, Gleason, Gullett, Hardwick, Kirkland, Kosakowski, Leitzel, Malkus, Miller E.T., Price, Rollins, Schloeder, Sybert, Vecera, Webb.

Total - 18

Amendment No. 7, Committee Recommendation No. EB-1, (the Amendment was duly seconded) by Delegates Morgan, Adkins, Beall, Boileau, Boyce, Buzzell, Dorsey, Finch, Fornos, Harris, Mason, Maurer, Powers, Sickles, A.W. Smith, Storm, Sybert, Tawes, James.

Following Section 4.17 insert the following new section:

"Comptroller

There shall be a comptroller who shall grant, under regulations prescribed by law, all warrants for money to be paid out of the treasury of the State pursuant to appropriations by law and perform such other duties relating to the payment of monies of the State as may be prescribed by law. The comptroller shall not be the head of the finance department or of any other principal department of the executive branch."

Delegate Malkus, duly seconded, moved that the Committee Rise.

SAID MOTION FAILED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates -

Caldwell, Dorsey, Eckenrode, Finch, Gill, Hickman, Hostetter, Hutchinson, Johnson, Kahl, Malkus, Mentzer, Murphy, Rush, Rybczynski, Sosnowski, Vecera, Wheatley.

Total - 18

Negative

Delegates -

President, Tawes, Clark J., James, Adkins, Bamberger, Bard, Barrick, Beachley, Beall, Bennett, Boileau, Borom, Bothe, Boyce, Boyles, Bradshaw, Bryson, Burgess, Bushong, Buzzell, Byrnes, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Della, Dukes, Dulany, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Grant, Groh, Grumbacher, Hanson, Hargrove, Harkness, Harris, Henderson, Hopkins, Jett, Key, Kiefer, Koger, Kosakowski, Koss, Lord, Macdonald, Marion, Mason, Maurer, Mitchell, Morgan, Moser, Mosner, Mudd, Murray D.S., Murray E.C., Needle, Neumann, Smith A.W., Pascal, Penniman, Powers, Pullen, Raley, Robie K.L., Rosenstock, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith J.H., Smith M.H., Sollins, Soul, Stern, Storm, Taylor H.E., Taylor L., Ulrich, Wagandt, White, Willis, Willoner, Winslow.

Total - 99

Not Voting

Delegates -

Abramson, Anderson, Armor, Baumann, Blair, Boyer, Burdette,

Cleveland, Gleason, Gullett, Hardwick, Kirkland, Leitzel, Linton, Miller, B., Miller, E.T., Neilson, Peters, Price, Robey, F.C., Rollins, Sybert, Webb, Ritter, Weidemeyer.

Total - 25

AMENDMENT #7 WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates -

President, Tawes, Clark J., James, Abramson, Adkins, Armor, Bamberger, Bard, Barrick, Beachley, Beall, Bennett, Blair, Boileau, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Grant, Grumbacher, Hanson, Hargrove, Harkness, Harris, Henderson, Hopkins, Hutchinson, Key, Kiefer, Kirkland, Lord, Macdonald, Marion, Mason, Maurer, Mitchell, Morgan, Moser, Mosner, Mudd, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Smith A.W., Pascal, Peters, Powers, Pullen, Raley, Robie K.L., Rosenstock, Rybczynski, Scanlan, Schneider, Sherbow, Sickles, Singer, Smith J.H., Smith M.H., Sollins, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Wagandt, Webb, Ritter, Wheatley, Willis, Willoner, Winslow.

Total - 105

Negative

Delegates -

Borom, Bothe, Della, Gill, Groh, Hickman, Hostetter, Jett, Koger, Kosakowski, Linton, Malkus, Mentzer, Murphy, Penniman, Rush, Schloeder, Siewierski, Sosnowski, Vecera, Weidemeyer, White.

Total - 22

Not Voting

Delegates -

Anderson, Baumann, Cleveland, Gleason, Gullett, Hardwicke, Johnson, Kahl, Koss, Leitzel, Miller B., Miller E.T., Price, Robey F.C., Rollins.

Total - 15

Amendment No. 8, Committee Recommendation No. EB-1 by Delegates Morgan, Adkins, Beall, Boileau, Boyce, Buzzell, Dorsey, Finch, Fornos, Harris, James, Mason, Maurer, Powers, Sickles, A.W. Smith, Storm, Sybert, Tawes. The Amendment was duly seconded.

Following Section 4.17 insert the following new section:

"Section ____ . Qualifications and Election of Comptroller.

To be eligible for election as comptroller, a person shall have attained the age of thirty years at the time of his election and shall have been a qualified voter in the State at least five years immediately preceding his election. The comptroller shall be elected for a term of four years by those voters qualified to vote in State elections. He shall be elected in the same election at which a governor is elected. The term of office of the comptroller shall begin at the same time as the term of the governor and shall continue until his successor shall have qualified. In the event of a vacancy in the office of comptroller, the governor, by and with the advice and consent of the Senate, shall appoint another person to fill such vacancy who shall serve until his successor has been elected and duly qualified. The comptroller shall give such bond for the faithful performance of his duties as may be prescribed by law."

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates -

President, Tawes, Clark J., James, Abramson, Adkins, Armor, Bamberger, Bard, Barrick, Beachley, Beall, Bennett, Blair, Boileau, Borom, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Grant, Grumbacher, Hanson, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Linton, Lord, Macdonald, Marion, Mason, Maurer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Smith A.W., Pascal, Penniman, Peters, Powers, Pullen, Raley, Robie K.L., Rosenstock, Rybczynski, Scanlan, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith J.H., Smith M.H., Sollins, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Wagandt, Webb, Weidemeyer, Wheatley, Willis, Willoner, Winslow.

Total - 117

Negative

Delegates -

Bothe, Gill, Jett, Malkus, Rush, Schloeder

Total - 6

Not Voting

Delegates -

Anderson, Baumann, Cleveland, Della, Gleason, Groh, Gullett

Hardwicke, Leitzel, Mentzer, Miller E.T., Murphy, Price, Robey F.C.,
Rollins, Sosnowski, Vecera, Ritter, White.

Total - 19

Amendment No. 9, Committee Recommendation No. EB-1, by Delegates
Morgan, Adkins, Beall, Boileau, Boyce, Buzzell, Dorsey, Finch,
Fornos, Harris, James, Mason, Maurer, Powers, Sigmund, A.W. Smith,
Storm, Sybert, Tawes. The Amendment was duly seconded.

In Section 4.04 Salary of Governor and Lieutenant
Governor strike out all of line 19 and insert in lieu
thereof the following: "The governor, lieutenant governor,
comptroller and attorney general."

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates -

President, Tawes, Clark J., James, Abramson, Adkins, Bamberger,
Bard, Barrick, Beachley, Beall, Bennett, Blair, Boileau, Boyce,
Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Bushong,
Buzzell, Byrnes, Caldwell, Cardin, Case, Chabot, Child, Cicone,
Clagett, Clarke E.J., Dabrowski, Darby, Della, Dorsey, Dukes,
Dulany, Eckenrode, Finch, Fornos, Fox, Freedlander, Gallagher,
Gilchrist, Grant, Grumbacher, Hanson, Hargrove, Harkness, Harris,
Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Johnson,
Key, Kiefer, Kirkland, Koger, Kosakowski, Lord, Macdonald,
Marion, Maurer, Miller B., Mitchell, Morgan, Moser, Mosner,
Mudd, Murray D.S., Murray E.C., Needle, Neilson, Neumann,
Smith A.W., Pascal, Penniman, Peters, Powers, Pullen, Raley,
Robie K.L., Rosenstock, Rybczynski, Scanlan, Schloeder,
Schneider, Sherbow, Sickles, Singer, Smith J.H., Smith M.H.,
Sollins, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L.,
Ulrich, Wagandt, Webb, Ritter, Weidemeyer, Wheatley, White,
Willis, Willoner, Winslow.

Total - 112

Negative

Delegates -

Gill, Groh

Total - 2

Not Voting

Delegates -

Anderson, Armor, Baumann, Borom, Bothe, Carson, Cleveland,
Frederick, Gleason, Gullett, Hardwicke, Jett, Kahl, Koss,
Leitzel, Linton, Malkus, Mason, Mentzer, Miller E.T.,
Murphy, Price, Robey F.C., Rollins, Rush, Siewierski, Sosnowski,
Vecera.

Total - 28

Amendment No. 10, Committee Recommendation No. EB-1 by Delegate Morgan from the floor. The Amendment was duly seconded.

Add this new section:

"Board of Review.

There shall be in the executive branch of the government a Board of Review which shall consist of the Governor, an officer in the executive branch designated by the Governor, and the Comptroller. The board shall act by majority vote, shall hold its meetings in public or otherwise act in such manner and have such powers as the General Assembly may prescribe."

Delegate Sherbow, duly seconded, moved to insert in line 11 after the word "meetings" the words "in public".

SAID MOTION PREVAILED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates -

Baumann, Blair, Boyer, Burgess, Byrnes, Chabot, Child, Cicone, Dabrowksi, Dorsey, Eckenrode, Finch, Fornos, Freedlander, Gallagher, Groh, Hanson, Harkness, Hickman, Hostetter, Hutchinson, Jett, Kahl, Kirkland, Koger, Kosakowski, Linton, Macdonald, Mason, Maurer, Mentzer, Miller B., Mitchell, Mosner, Murray D.S., Murray E.C., Neilson, Pascal, Penniman, Peters, Pullen, Robey F.C., Robie K.L., Rosenstock, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sollins, Soul, Stern, Storm, Taylor H.E., Taylor L., Ulrich, Wagandt, Webb, Ritter, Weidemeyer, White.

Total - 61

Negative

Delegates -

President, Clark J., James, Abramson, Adkins, Armor, Bamberger, Bard, Barrick, Beachley, Boileau, Bothe, Boyce, Boyles, Bradshaw, Bryson, Burdette, Buzzell, Caldwell, Cardin, Carson, Case, Clagett, Clarke E.J., Darby, Della, Dulany, Fox, Gilchrist, Gill, Grant, Grumbacher, Hargrove, Harris, Henderson, Hopkins, Johnson, Key, Kiefer, Lord, Marion, Morgan, Moser, Mudd, Neumann, Smith A.W., Powers, Raley, Sickles, Smith J.H., Smith M.H., Willis, Willoner, Winslow.

Total - 55

Not Voting

Delegates -

Tawes, Anderson, Beall, Bennett, Borom, Bushong, Cleveland, Dukes, Frederick, Gleason, Gullett, Hardwicke, Koss, Litzel, Malkus, Miller E.T., Murphy, Needle, Price, Rollins, Rush, Siewierski, Sosnowski, Sybert, Vecera, Wheatley.

Total - 26

AMENDMENT #10 AS AMENDED WAS READ AND ADOPTED BY YEAS AND NAYS
AS FOLLOWS:

Affirmative

Delegates -

President, Tawes, Clark J., James, Adkins, Armor, Bamberger,
Bard, Barrick, Baumann, Beachley, Blair, Boileau, Borom, Boyce,
Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Bushong,
Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child,
Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Dorsey, Dulany,
Eckenrode, Finch, Fox, Freedlander, Gallagher, Gilchrist, Grant,
Grumbacher, Hanson, Hargrove, Harkness, Harris, Henderson,
Hickman, Hopkins, Hostetter, Hutchinson, Johnson, Kahl, Key,
Kiefer, Kirkland, Koger, Kosakowski, Koss, Linton, Lord,
Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell,
Morgan, Moser, Mosner, Mudd, Murray D.S., Murray E.C., Needle,
Neilson, Neumann, Smith A.W., Pascal, Penniman, Peters, Powers,
Raley, Robey F.C., Robie K.L., Rosenstock, Rush, Rybczynski,
Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski,
Smith J.H., Smith M.H., Sollins, Soul, Stern, Storm, Sybert,
Taylor H.E., Taylor L., Ulrich, Wagandt, Webb, Ritter,
Weidemeyer, White, Willis, Willoner, Winslow.

Total - 115

Negative

Delegates -

Gill, Jett, Pullen.

Total - 3

Not Voting

Delegates -

Abramson, Anderson, Beall, Bennett, Bothe, Cleveland, Della,
Dukes, Fornos, Frederick, Gleason, Groh, Gullett, Hardwicke,
Leitzel, Malkus, Miller E.T., Murphy, Price, Rollins, Singer,
Sosnowski, Vecera, Wheatley.

Total - 24

Delegate Powers, duly seconded, moved that the Committee of
the Whole Rise and report to the Convention that it has under
Consideration Committee Recommendation # EB-1.

At 10:42 p.m. the Convention resumed its session.

The President reported to the Convention that the Committee
of the Whole has under consideration Committee Recommendation #EB-1
and desires to sit agin on the matter.

At 10:43 p.m. on motion of Mr. Powers, duly seconded, the
Convention adjourned until Thursday, Nov. 30, 1967 at 10:00 a.m.

CONSTITUTIONAL CONVENTION OF MARYLAND
JOURNAL OF PROCEEDINGS

Annapolis, Md., Thurs., Nov. 30, 1967

The Convention met at 10:00 o'clock A.M.

Invocation was offered by Rev. W.L. Clayton, Macedonia Baptist Church, Baltimore, Maryland.

Present at the roll call were the following delegates:

President, Tawes, Clark J., James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Linton, Lord, Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Ritter, Robey F.C., Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow. Total--137

MEMORANDUM

that pursuant

President Eney announced/to the provisions of Convention Rule 70C, the following delegate absences have been excused.

<u>DLLEGATE</u>	<u>DATE</u>	<u>EXCUSE</u>
Clark	11/17	Illness
Cleveland	11/15, 11/16, 11/17, 11/20, 11/21, 11/22, 11/27, 11/28	Illness
E. Miller	11/21, 11/22	Illness
Storm	11/22	Illness in immediate family

WHICH WAS READ

REPORT OF COMMITTEE ON CALENDAR AND AGENDA

Mr. Powers, Chairman of the Committee on Calendar and Agenda, reported the daily calendar and agenda.

On motion of Delegate Powers, the calendar was amended to include resumption of consideration of Committee Recommendation No. EB-1 and Recommendation 1 in Committee Report No. EB-1.

WHICH WAS READ AND ADOPTED AS AMENDED BY VOICE VOTE.

Delegate Powers, duly seconded, moved that the Convention resolve itself into the Committee of the Whole to consider the General Orders of the Day.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

COMMITTEE OF THE WHOLE - GENERAL ORDERS OF THE DAY

Mr. Eney presided at 10:12 A.M.

The first order of business was resumption of consideration of Recommendation 1 in Committee Report EB-1.

Delegate Morgan, duly seconded, moved to amend Recommendation 1 in Committee Report EB-1 by striking out the word "Public Words not" and inserting the word "Review".

SAID MOTION PREVAILED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

President, Tawes, Clark J., Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Boyce, Boyer, Bradshaw, Bryson, Burdette, Bushong,* Byrnes, Carson, Case, Child, Cicone, Clagett, Clark E.J., Dabrowski, Della, Dorsey, Dulany, Eckenrode, Finch, Fox, Freedlander, Gallagher, Gilchrist, Gleason, Hanson, Harkness, Hickman, Hopkins, Hostetter, Hutchinson, Johnson, Kahl, Kiefer, Kirkland, Kosakowski, Koss, Lord, Macdonald, Marion, Maurer, Mentzer, Miller B., Morgan, Moser, Mosner, Mudd, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Penniman, Powers, Pullen, Raley, Ritter, Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Sickles, Siewierski, Smith A.W., Smith J.H., Smith M.H., Sollins, Soul, Stern, Storm, Sybert, Ulrich, Wagandt, Weidemeyer, White, Willis, Willoner, Winslow. Total--97

* Buzzell

Negative

Delegates--

Gill.

Total--1

Not Voting

Delegates--

James, Abramson, Bothe, Boyles, Burgess, Caldwell, Cardin, Chabot, Cleveland, Darby, Dukes, Fornos, Frederick, Grant, Groh, Grumbacher, Gullett, Hardwicke, Hargrove, Harris, Henderson, Jett, Key, Koger, Leitzel, Linton, Malkus, Mason, Miller E.T., *Murphy, Pascal, Peters, Price, Robey F.C., Schneider, Sherbow, Singer, Sosnowski, Taylor H.E., Taylor L., Vecera, Webb, Wheatley. Total--44

* Mitchell,

RECOMMENDATION 1 IN COMMITTEE REPORT EB-1 WAS ADOPTED AS AMENDED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

President, Tawes, Clark J., Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Boyce, Boyer, Bradshaw, Bryson, Burdette, Bushong, Buzzell, Byrnes, Carson, Case, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Dorsey, Dulany, Eckenrode, Finch, Fox, Freedlander, Gilchrist, Gleason, Hanson, Harkness, Hickman, Hopkins, Hostetter, Hutchinson, Johnson, Kahl, Kiefer, Kirkland, Kosakowski, Koss, Lord, Macdonald, Marion, Maurer, Mentzer, Miller B., Morgan, Moser, Mosner, Mudd, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Penniman, Peters, Powers, Price, Pullen, Raley, Ritter, Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Sherbow, Sickles, Smith A.W., Smith J.H., Smith M.H., Sollins, Soul, Stern, Storm, Sybert, Ulrich, Wagandt, Weidemeyer, White, Willis, Willoner, Winslow. Total--97

Negative

Delegates--

Gill, Siewierski.

Total--2

Not Voting

Delegates--

James, Abramson, Bothe, Boyles, Burgess, Caldwell, Cardin, Chabot, Cleveland, Darby, Della, Dukes, Fornos, Frederick, Gallagher, Grant, Groh, Grumbacher, Gullett, Hardwicke, Hargrove, Harris, Henderson, Jett, Key, Koger, Leitzel, Linton, Malkus, Mason, Miller E.T., Mitchell, Murphy, Pascal, Robey F.C., Schneider, Singer, Sosnowski, Taylor H.E., Taylor L., Vecera, Webb, Wheatley. Total--43

Consideration of Committee Recommendation No. EB-1
resumed at 10:30 A.M.

Amendment No. 11, to Committee Recommendation No. EB-1,
By Delegates Stern and Willoner, from the floor. The
amendment was duly seconded.

Wherever the word "Comptroller" appears in Committee
Recommendation EB-1 it shall be spelled "Controller"

SAID MOTION FAILED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Clark J., Bennett, Burdette, Byrnes, Chabot, Dukes, Finch,
Fox, Jett, Koger, Marion, Mentzer, Pullen, Ritter, Sollins,
Stern, Storm, Sybert, Willoner. Total--19

Negative

Delegates--

President, Adkins, Anderson, Armor, Bamberger, Bard, Barrick,
Baumann, Beachley, Beall, Blair, Boileau, Borom, Boyce,
Bradshaw, Bryson, Bushong, Buzzell, Carson, Child, Cicone,
Clagett, Clarke E.J., Dabrowski, Della, Dulany, Eckenrode,
Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant,
Groh, Harkness, Harris, Hickman, Hopkins, Hostetter, Hutchinson,
Johnson, Kahl, Kirkland, Kosakowski, Koss, Linton, Lord,
Macdonald, Mason, Maurer, Morgan, Moser, Mosner, Mudd,
Murray D.S., Murray E.C., Needle, Neumann, Penniman, Peters,
Powers, Price, Raley, Robie K.L., Rollins, Rosenstock, Rush,
Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles,
Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H.,
Taylor H.E., Ulrich, Wagandt, Weidemeyer, White, Winslow.
Total--84

Not Voting

Delegates--

Tawes, James, Abramson, Bothe, Boyer, Boyles, Burgess, Caldwell,
Cardin, Case, Cleveland, Darby, Dorsey, Fornos, Frederick, Grumbacher,
Gullett, Hanson, Hardwicke, Hargrove, Henderson, Key, Kiefer,
Leitzel, Malkus, Miller B., Miller E.T., Mitchell, Murphy,
Neilson, Pascal, Robey F.C., Sosnowski, *Taylor L., Vecera,
Webb, Wheatley, Willis. Total--39
* Soul,

Amendment No. 12, to Committee Recommendation No. EB-1, By
Delegate Chabot, from the floor. The amendment was duly
seconded.

In Section 4.03 Lieutenant Governor, insert the following
sentence:

"Authority to sign or veto bills may not be prescribed or delegated under this section."

After debate, with permission of the committee, consideration of Amendment No. 12 was delayed at this time.

At 11:25 A.M., Mr. Boyce from the Executive Branch Committee reported Minority Report No. EB-1(E), By Delegates Boileau, Boyce, Fornos, Harris, Robey, and Sickles, of the Committee on the Executive Branch. This Minority Report relates to Committee Recommendation No. EB-1.

These three new sections 4.18, 4.19, and 4.20 are to replace the five suggested sections of the majority report 4.18 through 4.22 and their purpose is twofold: 1) to permit the Governor to reorganize the executive department without waiting for initiative on the part of the legislature but still subject to approval by the legislature and 2) to insure that all principal departments but those to do with education are headed by a single executive.

Fortunately, several worthwhile by-products also result; 1) Language is clarified and reduced 2) Temporary provisions or transitory schedules are eliminated and 3) Specific references to a legal or to a fiscal department are avoided.

* * *

Amendment No. 13, to accompany Minority Report EB-1(E), to Committee Recommendation No. EB-1, By Delegates Boileau, Boyce, Fornos, Harris, Robey, and Sickles.

Strike out all of Section 4.18 Organization of the Executive Branch, Section Initial Organization and Section 4.20 Heads of Principal Departments of the Executive Branch and insert in lieu thereof the following:

"Section 4.18 Structure of the Executive Branch

All offices, agencies and instrumentalities of the executive branch of the state government shall be allocated by law among and within not more than twenty principal departments, except that the governing boards of institutions of higher education or of the public school system, and regulatory, quasi-judicial and temporary agencies need not be allocated within a principal department. The number of principal departments may be increased to a number greater than twenty by a three-fifths vote of all members of each house of the General Assembly. The head of each principal department shall be a single executive."

WITHDRAWN

Amendment No. 14, to accompany Minority Report EB-1(E), to Committee Recommendation No. EB-1, By Delegates Boileau, Boyce, Fornos, Harris, Robey, and Sickles.

Strike out all of Section 4.19 Reorganization of the Executive Branch; and insert in lieu thereof the following:

"Section 4.19 Reorganization of the Executive Branch

The General Assembly by law may reallocate offices, agencies and instrumentalities among the principal departments, may increase, modify, diminish and change their functions, powers and duties and may assign new functions, powers and duties to them. The Governor may make changes in the organization of the executive branch, including the establishment or abolition of principal departments, and in the assignment of functions among its units which he considers necessary for efficient administration. Such changes when they require the force of law shall be submitted to the General Assembly in executive orders in statutory form within the first ten days of a regular session and shall become law at a time designated therein, unless specifically disapproved within fifty legislative days after submission by a resolution of disapproval concurred in by a majority of all members of either house of the General Assembly."

WITHDRAWN.

Amendment No. 15, to accompany Minority Report EB-1(E), to Committee Recommendation No. EB-1, By Delegates Boileau, Boyce, Fornos, Harris, Robey, and Sickles.

Strike out all of Section 4.21 Appointment of Heads of Principal Departments and Chief Administrative Officers and Section 4.22 Terms of Office and insert in lieu thereof the following:

"Section 4.20 Appointment and Removal

The Governor shall, with the advice and consent of the Senate, appoint each individual executive serving as head of a principal department of the executive branch. Such individual executives shall serve at the pleasure of the Governor. The Governor shall also with the advice and consent of the Senate appoint such individuals to fill vacancies on the governing boards of institutions of higher education and the public school system and on regulatory and quasi-judicial agencies and commissions. All such gubernatorial appointees shall have such occupational qualifications as may be prescribed by law."

WITHDRAWN.

Amendment No. 16, to Committee Recommendation No. EB-1, By Delegate Maurer, from the floor. The amendment was duly seconded.

In the Section on Initial Organization, strike out lines 1 through 14 on page 7.

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS
AS FOLLOWS:

Affirmative

Delegates--

Bard, Bothe, *Bryson, Burdette, Freedlander, Gill, Groh,
Grumbacher, Hanson, Marion, Maurer, Mentzer, Miller B.,
Murray D.S., Murray E.C., Penniman, Pullen, Robey F.C.,
Robie K.L., Scanlan, Schloeder, Schneider, Sherbow, Sickles,
Sollins, Ulrich, Wagandt, Willoner. Total--29

* Boyce,

Negative

Delegates--

President, Tawes, Clark J., James, Abramson, Adkins, Anderson,
Armor, Bamberger, Barrick, Baumann, Beachley, Bennett, Blair,
Boileau, Boyer, Bradshaw, Burgess, Bushong, Buzzell, Byrnes,
Case, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski,
Dorsey, Dukes, Dulany, Eckenrode, Finch, Fox, Frederick,
Gallagher, Gilchrist, Gleason, Grant, Hardwicke, Hargrove,
Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter,
Hutchinson, Jett, Johnson, Kahl, Kiefer, Kirkland, Koger,
Kosakowski, Linton, Lord, Macdonald, Malkus, Mason, Mitchell,
Morgan, Moser, Mosner, Mudd, Murphy, Neilson, Pascal, Peters,
Powers, Raley, Rollins, Rosenstock, Rush, Rybczynski,
Siewierski, Singer, Smith A.W., Smith J.H., Sosnowski, Soul,
Storm, Sybert, Taylor H.E., Taylor L., Vecera, Weidemeyer,
White, Willis, Winslow. Total--90

Not Voting

Delegates--

Beall, Borom, Boyles, Caldwell, Cardin, Carson, Cleveland,
Darby, Della, Fornos, Gullett, Key, Koss, Litzel, Miller E.T.,
Needle, Neumann, Price, Ritter, Smith M.H., Stern, Webb,
Wheatley. Total--23.

Delegate Powers, duly seconded, moved that the Committee
of the Whole Rise and report to the Convention.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

At 12:56 P.M. the Convention resumed its session.

The President reported that the Committee of the Whole
has under consideration Committee Recommendation EB-1 and
desires to sit again on the matter.

At 12:58 P.M., on motion of Delegate Powers, the Convention took a recess until 2:30 P.M.

At 2:30 P.M. the Convention resumed its session.

Present at roll call were the following delegates:

President, Tawes, Clark J., James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Case, Chabot, Child, Cicone, Clagett, Dabrowski, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Linton, Macdonald, Marion, Mason, Maurer, Mitchell, *Morgan, Moser, Mosner, Mudd, Mruphy, Murray D.S., Murray E.C., Needle, Neilson, Neumann, Penniman, Peters, Powers, Pullen, Raley, Ritter, Robie K.L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.
* Mentzer, Total--125

REPORTS OF OTHER STANDING COMMITTEES

Helen Koss, Chairman of the Committee on Suffrage and Elections, offered Committee Recommendation No. S&E-2.

A RECOMMENDATION that Article II of the Constitution dealing with Suffrage and Elections shall include Eligibility of Voters in Federal, State and County Elections; voter disqualification provisions; uniform conduct of elections, and general election procedures.
* * *

WHICH WAS READ AND REFERRED TO THE COMMITTEE OF THE WHOLE.

Minority Report No. R&P-1(B), By Delegates Bennett, Bothe, Dabrowski, Hardwicke, Kosakowski, Mitchell and/Taylor, of the Committee on Personal Rights and Preamble. L.

The Committee had before it several proposals (34, 121, 171, 172, 406, 421, 424) dealing with the rights of working people. The majority decided that the subject should not be mentioned in the Constitution. We disagree.
* * *

WHICH REPORT WAS RECEIVED BY THE CONVENTION.

Minority Report No. R&P-1(C), By Delegates Beachley, Bothe, Burgess, Child, Dabrowski, Groh, Hardwicke, Kosakowski, Mitchell, E. C. Murray, Price, L. Taylor, Weidemeyer and Willoner, of the Committee on Personal Rights and Preamble. Presented and received. Relating to Committee Recommendation No. R&P-1.

A MINORITY REPORT that the Declaration of Rights contain an article entitled "Freedom of Information".

* * *

WHICH REPORT WAS RECEIVED BY THE CONVENTION.

Delegate Powers, duly seconded, moved to amend debate schedule No. 7 by adding after Section 3.17 Consideration of Minority Report No. LB-2(A) with Mr. Gilchrist and Mr. Gallagher each having ten minutes and after Section 3.18 change the Report No. from (A) to (B).

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

Delegate Powers, duly seconded, moved that the Convention resolve itself into a Committee of the Whole.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

COMMITTEE OF THE WHOLE

Mr. Eney presided at 3:05 P.M.

Consideration of Committee Recommendation EB-1 resumed.

Amendment No. 17, to Committee Recommendation No. EB-1, By Delegate Maurer, from the floor. The amendment was duly seconded.

On page 7, in Section 4.20 Heads of Principal Departments of the Executive Branch, line 50, insert before the word "The" the following: "Except for the State public school system and institutions of higher education," and reduce the capital "T" of the word "The" as presently exists on line 50 to the lower case "t".

On page 8, in Section 4.20, in lines 3 and 4 strike out the words "unless otherwise provided by law".

Delegate Bard, duly seconded, moved to amend amendment No. 17 by adding after the word "executive", the words "unless otherwise provided by law".

SAID MOTION FAILED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

President, Adkins, Bard, Barrick, Beachley, Blair, Burdette, Burgess, Byrnes, Case, Chabot, Child, Clagett, Gallagher,

Gilchrist, Harkness, Henderson, Hopkins, Hostetter, Jett,
Johnson, Kirkland, Macdonald, Moser, Mudd, Murray E.C.,
Needle, Neilson, Neumann, Penniman, Pullen, Ritter,
Robie K.L., Rollins, Rosenstock, Rybczynski, Scanlan,
Schloeder, Smith M.H., Sosnowski, Soul, Storm, Sybert,
Taylor L., Wagandt, Webb, Weidemeyer, Wheatley, Winslow.

Total--49

Negative

Delegates--

Tawes, Clark J., James, Abramson, Anderson, Armor, Bamberger,
Bennett, Boileau, Bothe, Boyce, Boyer, Bradshaw, Bryson,
Bushong, Buzzell, Cicone, Clarke E.J., Dabrowski, Della,
Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Gill,
Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke,
Harris, Kahl, Key, Kiefer, Koger, Kosakowski, Koss, Linton,
Lord, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell,
Morgan, Mosner, Pascal, Peters, Powers, Price, Raley, Robey F.C.,
Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A.W.,
Smith J.H., Sollins, Taylor H.E., White, Willis, Willoner.

Total--70

Not Voting

Delegates--

Baumann, Beall, Borom, Boyles, Caldwell, Cardin, Carson,
Cleveland, Darby, Frederick, Freedlander, Hargrove, Hickman,
Hutchinson, Leitzel, Malkus, Miller E.T., Murphy, Murray D.S.,
Price, Rush, Stern, Vecera.

Total--23

AMENDMENT NO. 17 WAS READ AND REJECTED BY YEAS AND
NAYS AS FOLLOWS:

Affirmative

Delegates--

Bamberger, Bard, Beachley, Blair, Boileau, Bothe, Boyce,
Bryson, Burdette, Burgess, Buzzell, Byrnes, Case, Dabrowski,
Fornos, Fox, Gallagher, Gill, Groh, Hanson, Harris, Kirkland,
Lord, Maurer, Mentzer, Miller B., Mitchell, Pullen, Ritter,
Robey F.C., Robie K.L., Rollins, Scanlan, Schloeder, Schneider,
Sherbow, Sickles, Sosnowski, Soul, Webb, Wheatley, Willis,
Willoner.

Total--43

Negative

Delegates--

President, Tawes, Clark J., James, Abramson, Adkins, Anderson,
Armor, Barrick, Bennett, Boyer, Bradshaw, Bushong, Chabot,
Child, Cicone, Clagett, Clarke E.J., Della, Dorsey, Dukes,
Dulany, Eckenrode, Finch, Gilchrist, Gleason, Grant,

Grumbacher, Gullett, Hardwicke, Hargrove, Harkness, Henderson, Hopkins, Hostetter, Jett, Johnson, Kahl, Key, Koger, Kosakowski, Koss, Linton, Macdonald, Marion, Mason, Morgan, Moser, Mosner, Mudd, Murray E.C., Neilson, Neumann, Pascal, Penniman, Peters, Powers, Raley, Rosenstock, Rybczynski, Siewierski, Singer, Smith A.W., Smith J.H., Smith M.H., Sollins, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Wagandt, Weidemeyer, White, Winslow. Total--75

Not Voting

Delegates--

Baumann, Beall, Bennett, Borom, Boyles, Caldwell, Cardin, Carson, Cleveland, Darby, Frederick, Freedlander, Hickman, Hutchinson, Kiefer, Leitzel, Malkus, Miller E.T., Murray D.S., Needle, Price, Rush, Stern, Vecera. Total--24

Amendment No. 18, to Committee Recommendation No. EB-1, By Delegate Morgan, from the floor. The amendment was duly seconded.

In Section 4.18 Organization of the Executive Branch strike out the word "Organization" and insert in lieu thereof the word "Structure"; and strike out the words "prescribed and"; and strike out the words "by law".

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

Tawes, Abramson, Adkins, Armor, Bard, Barrick, Beachley, Bennett, Blair, Borom, Bothe, Bradshaw, Bryson, Burdette, Bushong, Buzzell, Byrnes, Chabot, Child, Cicone, Clagett, Dabrowski, Dorsey, Dulany, Finch, Fox, Freedlander, Gill, Grant, Groh, Grumbacher, Hardwicke, Harkness, Harris, Hopkins, Hostetter, Johnson, Kahl, Key, Kirkland, Kosakowski, Koss, Lord, Macdonald, Marion, Maurer, Mentzer, Miller S., Morgan, Moser, Mosner, Mudd, Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Pullen, Raley, Ritter, Robey F.C., Robie K.L., Rollins, Rosenstock, Rybczynski, Scanlan, Sherbow, Sickles, Siewierski, Smith J.H., Smith M.H., Sollins, Soul, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow. Total--88

Negative

Delegates--

Boyer, Eckenrode.

Total--2

Not Voting

Delegates--

President, Clark J., James, Anderson, Bamberger, Baumann, Beall, Boileau, Boyce, Boyles, Burgess, Caldwell, Cardin, Carson, Case, Clarke E.J., Cleveland, Darby, Della, Dukes, Fornos, Frederick, Gallagher, Gilchrist, Gleason, Gullett, Hanson, Hargrove, Henderson, Hickman, Hutchinson, Jett, Kiefer, Koger, Leitzel, Linton, Malkus, Mason, Miller E.T., Mitchell, Murphy, Murray D.S., Murray E.C., Price, Rush, Schloeder, Schneider, Singer, Smith A.W., Sosnowski, Stern, Vecera.
Total--52

Amendment No. 19, to Committee Recommendation No. EB-1, By Delegate Morgan, from the floor. The amendment was duly seconded.

In Section 4.18, Organization of the Executive Branch, immediately preceding the word "number" add the word "maximum";

and in the same line strike out the word "changed" and insert in lieu thereof the word "increased";

and after the word "by" (1st by) add the letter "a".

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates--

President, Tawes, Clark J., Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Beachley, Bennett, Blair, Borom, Bothe, Boyer, Bradshaw, Bryson, Burdette, Bushong, Buzzell, Byrnes, Chabot, Child, Cicone, Clagett, Clarke E.J., Dabrowski, Dorsey, Dulany, Eckenrode, Finch, Fox, Freedlander, Gallagher, Gilchrist, Gill, Grant, Groh, Grumbacher, Hanson, Hardwicke, Hargrove, Harkness, Harris, Hopkins, Hostetter, Johnson, Kahl, Key, Kirkland, Kosakowski, Koss, Lord, Macdonald, Marion, Maurer, Miller B., Morgan, Moser, Mosner, Mudd, Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Raley, Robey F.C., Robie K.L., Rosenstock, Rybczynski, Scanlan, Schloeder, Sherbow, Sickles, Siewierski, Singer, Smith J.H., Smith M.H., Sollins, Soul, Storm, Sybert, Taylor H.E., Taylor L., Ulrich, Wagandt, Webb, Weidemeyer, White, Willis, Willoner, Winslow.
Total--96

Negative

Delegates--

None

Not Voting

Delegates--

James, Baumann, Beall, Boileau, Boyce, Boyles, Burgess, Caldwell, Cardin, Carson, Case, Cleveland, Darby, Della, Dukes, Fornos, Frederick, Gleason, Gullett, Henderson, Hickman, Hutchinson, Jett, Kiefer, Koger, Leitzel, Linton, Malkus, Mason, Mentzer, Miller E.T., Mitchell, Murphy, Murray D.S., Murray E.C., Price, Pullen, Ritter, Rollins, Rush, Schneider, Smith A.W., Sosnowski, Stern, Vecera, Wheatley. Total--46

Delegate Powers, duly seconded, moved that the Committee of the Whole Rise and report to the Convention that the Committee has under consideration Committee Recommendation No. EB-1.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

At 6:00 P.M. the Convention resumed its session.

The President reported to the Convention that the Committee of the Whole has under consideration Committee Recommendation EB-1 and desires to sit again on the matter.

At 6:05 o'clock P.M. on motion of Mr. Powers, duly seconded, the Convention adjourned until Friday, December 1, 1967, at 10:00 A.M.

CONSTITUTIONAL CONVENTION OF MARYLAND
JOURNAL OF PROCEEDINGS

Annapolis, Md., Friday, Dec. 1, 1967

The Convention met at 10:00 o'clock A. M.

Invocation was offered by Rev. DeWitt H. Loomis, Nanjemay, Maryland.

Present at the roll call were the following delegates:

President, Tawes, Clark J., James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E. J., Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Litzel, Linton, Lord, Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Ritter, Robey F. C., Robie K. L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith J. H., Smith M. H., Sollins, Soul, Stern, Storm, Sybert, Taylor H. E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total -- 138

REPORT OF COMMITTEE ON CALENDAR AND AGENDA

Mr. Powers, Chairman of the Committee on Calendar and Agenda, reported on the daily calendar and agenda.

Delegate Powers moved, duly seconded, to amend today's calendar to include in Item 9 "Consideration of Committee Recommendation No. EB-1," and to adopt the calendar and agenda as amended.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

At 10:17 o'clock A. M., Delegate Powers moved, duly seconded, that the Convention resolve itself into a Committee of the Whole to consider the General Orders of the Day.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

COMMITTEE OF THE WHOLE -- GENERAL ORDERS OF THE DAY

Mr. Eney presided.

Consideration of Committee Recommendation No. EB-1 resumed.

Amendment No. 20 to Committee Recommendation No. EB-1 -- By Delegate Morgan from the floor. The amendment was duly seconded.

In Section 4.03, Lieutenant Governor, strike out these words, "perform such duties as may be prescribed by law and such other duties as may be delegated to him by the Governor," and insert in lieu thereof the following words: "have such powers and perform such duties as may be delegated to him by the Governor, but no power or duty specifically prescribed for the Governor by this Constitution shall be delegated to the Lieutenant Governor under this Section."

WITHDRAWN WITH THE PERMISSION OF THE COMMITTEE OF THE WHOLE.

Amendment No. 21 to Committee Recommendation No. EB-1 -- By Delegate Morgan from the floor. The amendment was duly seconded.

In Section 4.20, Heads of Principal Departments of the Executive Branch, strike out the following: ", including the chief legal officer and the chief fiscal officer,".

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

President, Tawes, Clark J., James, Abramson, Adkins, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Borom, Bothe, Boyce, Boyer, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Caldwell, Cardin, Case, Chabot, Child, Cicone, Clarke E. J., Dabrowski, Darby, Della, Dulany, Eckenrode, Finch, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Gill, Grant, Groh, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Johnson, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Macdonald, Mason, Mentzer, Miller B., Morgan, Moser, Mosner, Mudd, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Ritter, Robey F. C., Robie K. L., Rosenstock, Rush, Rybczynski, Scanlan, Sherbow, Sickles, Siewierski, Smith J. H., Smith M. H., Sollins, Soul, Storm, Sybert, Taylor H. E., Taylor L., Ulrich, Wagandt, Webb, White, Willis, Willoner, Winslow.

Negative

Delegates --

None

Not Voting

Delegates --

Anderson, Boileau, Boyles, Carson, Clagett, Cleveland, Dorsey, Dukes, Frederick, Gleason, Grumbacher, Gullett, Jett, Kahl, Key, Lord, Malkus, Marion, Maurer, Miller E. T., Mitchell, Murphy, Rollins, Schloeder, Schneider, Singer, Smith A. W., Sosnowski, Stern, Vecera, Weidemeyer, Wheatley.

Total -- 32

Amendment No. 22 to Committee Recommendation No. EB-1 -- By Delegate Storm from the floor. The amendment was duly seconded.

• In Section 4.21, Appointment of Heads of Principal Departments and Chief Administrative Officers, after the word, "departments," insert in lieu thereof the words, "or as members of boards and commissions serving as heads of principal departments"; and strike out the word, "occupational."

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

President, Tawes, James, Adkins, Armor, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Borom, Bothe, Boyce, Boyer, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Caldwell, Cardin, Carson, Chabot, Child, Cicone, Clarke E. J., Dabrowski, Darby, Della, Dulany, Eckenrode, Finch, Fox, Freedlander, Gallagher, Gilchrist, Gill, Grant, Groh, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Johnson, Kahl, Kiefer, Kirkland, Koger, Koss, Leitzel, Linton, Macdonald, Mason, Mentzer, Miller B., Morgan, Moser, Mosner, Mudd, Murray D. S., Murray E. C., Neumann, Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Ritter, Robie K. L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Sherbow, Sickles, Siewierski, Smith J. H., Smith M. H., Soul, Storm, Sybert, Taylor H. E., Webb, White, Willis, Winslow.

Total -- 99

Negative

Delegates --

Neilson, Taylor L., Ulrich, Willoner.

Total -- 4

Not Voting

Delegates --

Clark J., Abramson, Anderson, Bamberger, Boileau, Boyles, Case, Clagett, Cleveland, Dorsey, Dukes, Fornos, Frederick, Gleason, Grumbacher, Gullett, Jett, Key, Kosakowski, Lord, Malkus, Marion, Maurer, Miller E. T., Mitchell, Murphy, Needle, Robey F. C., Schloeder, Schneider, Singer, Smith A. W., Sollins, Sosnowski, Stern, Vecera, Wagandt, Weidemeyer, Wheatley.

Total -- 39

Amendment No. 23 to Committee Recommendation No. EB-1 -- By
Delegate Maurer from the floor. The amendment was duly seconded.

In Section 4.23, Appointment and Removal of Other Officers
of the Executive Branch, insert the following sentence:

"The General Assembly shall provide by law that all employees in the service of the State shall be appointed and promoted in accordance with the merit principle, subject to such exceptions as may be prescribed by law."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS
FOLLOWS:

Affirmative

Delegates --

Anderson, Bennett, Bothe, Burdette, Byrnes, Chabot, Finch, Hardwicke, Harris, Koss, Maurer, Miller B., Murray E. C., Pullen, Robey F. C., Taylor L., White.

Total -- 17

Negative

Delegates --

President, Tawes, Clark J., James, Abramson, Adkins, Armor, Boyce, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Blair, Boileau, Borom, Boyer, Bradshaw, Bryson, Burgess, Bushong, Buzzell, Caldwell,

Cardin, Carson, Child, Cicone, Clarke E. J., Dabrowski, Darby, Dulany, Eckenrode, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Grant, Groh, Grumbacher, Hanson, Hargrove, Harkness, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Kiefer, Koger, Litzel, Linton, Lord, Macdonald, Mason, Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D. S., Needle, Neilson, Neumann, Penniman, Peters, Powers, Raley, Robie K. L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schneider, Sherbow, Sickles, Smith J. H., Smith M. H., Sollins, Soul, Storm, Taylor H. E., Wagandt, Webb, Willis, Willoner, Winslow.

Total -- 92

Not Voting

Delegates --

Boyles, Case, Clagett, Cleveland, Della, Dorsey, Dukes, Fornos, Fox, Gleason, Gullett, Key, Kirkland, Kosakowski, Malkus, Marion, Mentzer, Miller E. T., Pascal, Price, Ritter, Schloeder, Siewierski, Singer, Smith A. W., Sosnowski, Stern, Sybert, Ulrich, Vecera, Weidemeyer, Wheatley.

Total -- 32

Amendment No. 24 to Committee Recommendation No. EB-1 -- By Delegate Chabot from the floor. The amendment was duly seconded.

. In Section 4.24, Interim and Recess Appointments, after the word; "again," insert the words, "appointed to or."

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

President, Tawes, Clark J., James, Abramson, Anderson, Armor, Bard, Beachley, Beall, Bennett, Blair, Boileau, Borom, Boyce, Boyer, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Caldwell, Chabot, Child, Clarke E. J., Darby, Della, Dukes, Dulany, Fox, Freedlander, Gallagher, Gilchrist, Gill, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Koger, Kosakowski, Koss, Litzel, Linton, Macdonald, Marion, Mentzer, Morgan, Moser, Mosner, Mudd, Murphy, Murray D. S., Needle, Penniman, Peters, Powers, Raley, Robey F. C., Robie K. L., Rollins, Rosenstock, Rush, Schneider, Sherbow, Sickles, Siewierski, Sollins, Soul, Sybert, Ulrich, Wagandt, Wheatley, White, Willis, Willoner, Winslow.

Total -- 89

Negative

Delegates --

Adkins, Bamberger, Hickman, Smith M. H.

Total -- 4

Not Voting

Delegates --

Barrick, Baumann, Bothe, Boyles, Cardin, Carson, Case, Cicone, Clagett, Cleveland, Dabrowski, Dorsey, Eckenrode, Finch, Fornos, Frederick, Gleason, Kahl, Key, Kiefer, Kirkland, Lord, Malkus, Mason, Maurer, Miller B., Miller E. T., Mitchell, Murray E. C., Neilson, Neumann, Pascal, Price, Pullen, Ritter, Rybczynski, Scanlan, Schloeder, Singer, Smith A.W., Smith J. H., Sosnowski, Stern, Storm, Taylor H. E., Taylor L., Vecera, Webb, Weidemeyer.

Total -- 49

Amendment No. 25 to Committee Recommendation No. EB-1 -- By Delegate Byrnes from the floor. The amendment was duly seconded.

In the Section on State's Attorney insert the following:

"Candidates for the office of State's Attorney may cross file in party primary elections and shall run in party primary elections and in general elections without party designation."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

James, Adkins, Bamberger, Bard, Barrick, Beall, Bennett, Boileau, Boyce, Bradshaw, Bryson, Burgess, Byrnes, Caldwell, Cardin, Dabrowski, Dulany, Finch, Gill, Grant, Groh, Hardwicke, Harris, Henderson, Hopkins, Koss, Lord, Marion, Mentzer, Mitchell, Mosner, Mudd, Murray D. S., Murray E. C., Needle, Pullen, Robey F. C., Robie K. L., Rosenstock, Schloeder, Schneider, Sickles, Siewierski, Singer, Smith M. H., Sollins, Taylor H. E., Ulrich, Wagandt, White, Willoner, Winslow.

Total -- 52

Negative

Delegates --

President, Tawes, Anderson, Baumann, Beachley, Blair, Borom, Bothe, Burdette, Bushong, Buzzell, Carson, Chabot, Child, Clarke E. J., Darby, Della, Dukes, Eckenrode, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Grumbacher, Hanson, Hargrove, Harkness, Hickman, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Leitzel, Linton, Malkus, Mason, Maurer, Miller B., Morgan, Murphy, Neumann, Penniman, Peters, Powers, Raley, Ritter, Rosenstock, Rybczynski, Sherbow, Smith J. H., Stern, Storm, Sybert, Webb, Weidemeyer.

Total -- 62

Not Voting

Delegates --

Clark J., Abramson, Armor, Boyer, Boyles, Case, Cicone, Clagett, Cleveland, Dorsey, Fornos, Gleason, Gullett, Macdonald, Miller E. T., Moser, Neilson, Pascal, Price, Rush, Scanlan, Smith A. W., Sosnowski, Soul, Taylor L., Vecera, Wheatley, Willis.

Total -- 28

Amendment No. 26 to Committee Recommendation No. EB-1 -- By Delegate Morgan from the floor. The amendment was duly seconded.

In Section 4.03, Lieutenant Governor, strike out all of lines 4, 5 and 6 and insert in lieu thereof the following: "shall have only such duties as may be delegated to him by the Governor, but no power specifically prescribed for the Governor by this Constitution shall be delegated to the Lieutenant Governor under this Section. To be."

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

President, Tawes, James, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Caldwell, Cardin, Chabot, Child, Cicone, Clarke E. J., Dabrowski, Darby, Della, Dukes, Dulany, Eckenrode, Finch, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Grant, Groh, Grumbacher, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Mosner, Mudd, Murphy, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Penniman, Powers, Pullen, Raley, Ritter, Robey F. C., Robie K. L., Rollins, Rosenstock, Rush, Rybczynski, Schloeder,

Schneider, Sherbow, Sickles, Siewierski, Singer, Smith J. H.,
Smith M. H, Sollins, Soul, Storm, Sybert, Taylor H. E., Taylor
L., Ulrich, Wagandt, Webb, Weidemeyer, Wheatley, White,
Willoner, Winslow.

Total -- 114

Negative

Delegates --

Kahl.

Total -- 1

Not Voting

Delegates --

Clark J., Abramson, Beall, Boyer, Boyles, Carson, Case, Clagett,
Cleveland, Dorsey, Fornos, Fox, Gleason, Gullett, Macdonald,
Malkus, Miller E. T., Moser, Pascal, Peters, Price, Scanlan,
Smith A. W., Sosnowski, Stern, Vecera, Willis.

Total -- 27

Amendment No. 12 to Committee Recommendation No. EB-1 -- By
Delegate Chabot.

AMENDMENT NO. 12 WAS DELAYED EARLIER AND IS NOW WITHDRAWN
WITH THE PERMISSION OF THE COMMITTEE OF THE WHOLE.

Amendment No. 27 to Committee Recommendation No. EB-1 -- By
Delegates Abramson, Case, Fox, Gallagher, Robey, Fornos, Sickles,
Maurer, Harris, Neilson from the floor. The amendment was duly
seconded.

In Section 4.20, Heads of Principal Departments of the
Executive Branch, strike out all of line 50 on page 7 and lines
1 through 7, inclusive, on page 8 and insert in lieu thereof the
following:

"The head of each principal department of the executive branch
shall be a single executive unless otherwise provided in this
Constitution."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS
FOLLOWS:

Affirmative

Delegates --

Bard, Boileau, Borom, Boyce, Bryson, Burdette, Burgess, Byrnes, Cardin, Case, Fornos, Fox, Gallagher, Grumbacher, Hanson, Harris, Kirkland, Koger, Koss, Marion, Maurer, Mentzer, Miller B., Murray D. S., Needle, Neilson, Robey F. C., Robie K. L., Schloeder, Schneider, Sherbow, Sickles, Ulrich, White, Willis, Willoner, Winslow.

Total -- 37

Negative

Delegates --

President, Tawes, James, Adkins, Anderson, Armor, Bamberger, Barrick, Baumann, Beachley, Blair, Bothe, Boyer, Bradshaw, Bushong, Buzzell, Caldwell, Carson, Chabot, Child, Cicone, Clagett, Clarke E. J., Dabrowski, Darby, Della, Dukes, Dulany, Eckenrode, Finch, Frederick, Freedlander, Gilchrist, Gill, Grant, Hardwicke, Hargrove, Harkness, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kosakowski, Leitzel, Linton, Lord, Macdonald, Malkus, Mason, Morgan, Mosner, Mudd, Murphy, Murray E. C., Neumann, Penniman, Powers, Pullen, Raley, Rollins, Rosenstock, Rush, Rybczynski, Siewierski, Singer, Smith J. H., Smith M. H., Sollins, Soul, Stern, Storm, Sybert, Taylor H. E., Taylor L., Wagandt, Webb, Weidemeyer.

Total -- 83

Not Voting

Delegates --

Clark J., Abramson, Beall, Bennett, Boyles, Cleveland, Dorsey, Gleason, Groh, Gullett, Miller E. T., Mitchell, Moser, Pascal, Peters, Price, Ritter, Scanlan, Smith A. W., Sosnowski, Vecera, Wheatley.

Total -- 22

Amendment No. 28 to Committee Recommendation No. EB-1 -- By Delegate Sickles from the floor. The amendment was duly seconded.

In Section 4.25, Information from Administrative Officers, after the word, "government," add the following words:

"or from any officer of any county, municipal corporation, civil unit or multi-county governmental unit."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

Bard, Borom, Bothe, Dukes, Hanson, Hardwicke, Macdonald, Mentzer, Miller B., Mudd, Robie K. L., Schloeder, Sherbow, Sickles, Sollins, Taylor L., Weidemeyer, White.

Total -- 18

Negative

Delegates --

President, James, Abramson, Adkins, Anderson, Armor, Bamberger, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Boyce, Boyer, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E. J., Dabrowski, Darby, Della, Dulany, Eckenrode, Finch, Fornos, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Grant, Groh, Grumbacher, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Litzel, Linton, Lord, Malkus, Marion, Mason, Maurer, Morgan, Mosner, Murphy, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Penniman, Powers, Pullen, Raley, Robey F. C., Rollins, Rosenstock, Rush, Rybczynski, Schneider, Siewierski, Singer, Smith J. H., Smith M. H., Soul, Stern, Storm, Sybert, Taylor H. E., Ulrich, Waqandt, Webb, Willis, Willoner, Winslow.

Total -- 102

Not Voting

Delegates --

Tawes, Clark J., Boyles, Cleveland, Dorsey, Fox, Gleason, Gullett, Hargrove, Koss, Miller E. T., Mitchell, Moser, Pascal, Peters, Price, Ritter, Scanlan, Smith A. W., Sosnowski, Vecera, Wheatley.

Total -- 22

COMMITTEE RECOMMENDATION NO. EB-1 WAS ADOPTED AS AMENDED
BY ROLL CALL AS FOLLOWS:

Affirmative

President, James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E. J., Dabrowski, Darby, Dukes, Dulany, Eckenrode, Finch, Fornos, Frederick, Freedlander, Gallagher, Gilchrist, Grant, Groh, Grumbacher, Hanson, Hargrove, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Johnson, Kahl, Key, Kiefer, Koger, Kosakowski, Koss, Litzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Morgan, Mosner, Mudd, Murray D. S., Murray E. C., Needle, Neilson, Neumann, 544

Penniman, Powers, Price, Pullen, Raley, Ritter, Robey F. C., Robie K. L., Rollins, Rosenstock, Rush, Rybczynski, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith J. H., Smith M. H., Sollins, Soul, Stern, Storm, Sybert, Taylor H. E., Taylor L., Ulrich, Wagandt, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total -- 115

Negative

Delegates --

Della, Gill, Hardwicke, Harkness, Jett, Kirkland, Malkus, Murphy, Webb.

Total -- 9

Not Voting

Delegates --

Tawes, Clark J., Baumann, Boyles, Cleveland, Dorsey, Fox, Gleason, Gullett, Miller E. T., Mitchell, Moser, Pascal, Peters, Scanlan, Smith A. W., Sosnowski, Vecera.

Total -- 18

Delegate Powers moved, duly seconded, that the Committee of the Whole rise and report to the Convention that the Committee has concluded its consideration of Committee Recommendation No. EB-1 and Recommendation 1 of Committee Report No. EB-1.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

At 12:45 o'clock P. M. the Convention resumed its session.

The President reported to the Convention that the Committee of the Whole has concluded its consideration of Committee Recommendation No. EB-1 and Recommendation 1 of Committee Report No. EB-1.

The President referred Committee Recommendation No. EB-1 to the Committee on Style, Drafting and Arrangement.

At 12:51 o'clock P. M. on motion of Mr. Powers the Convention took a recess until 2:15 o'clock P. M.

At 2:15 o'clock P. M. the Convention resumed its session.

Present at the roll call were the following delegates:

President, James, Abramson, Anderson, Armor, Bamberger, Bard, Barrick, Beachley, Beall, Boileau, Borom, Bothe, Boyce, Boyer, Bradshaw, Bryson, Burdette, Buzzell, Carson, Case, Chabot, Child, Cicone, Clagett, Clarke E. J., Dabrowski, Darby, Dukes, Dulany, Eckenrode, Finch, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Grumbacher, Hanson, Hardwicke, Harkness, Harris, Henderson, Hickman, Hopkins, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Koss, Leitzel, Linton, Mason, Mentzer, Miller B., Morgan, Mosner, Mudd, Murray E. C., Needle, Neilson, Neumann, Powers, Price, Pullen, Raley, Ritter, Robie K. L., Rollins, Rosenstock, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith J. H., Smith M. H., Sollins, Stern, Storm, Sybert, Taylor L., Ulrich, Wagandt, Wheatley, White, Willis, Winslow.

Total -- 91

Delegate Powers moved, duly seconded, that the Convention resolve itself into a Committee of the Whole.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

COMMITTEE OF THE WHOLE -- GENERAL ORDERS OF THE DAY

Mr. Eney presided. 2:25 o'clock P. M.

Consideration of Committee Recommendation No. LB-2.

Mr. Gallagher, Chairman of the Committee on the Legislative Branch, reported on Committee Recommendation No. LB-2.

A RECOMMENDATION that portions of Article III of the new Constitution dealing with the Legislative Branch provide for substantially equal legislative districts, create an independent commission to recommend redistricting plans to the General Assembly, provide for the filling of vacancies in the General Assembly, and establish legislative procedure, to read as follows:

Section 3.02. Legislative Districts.

The State shall be divided by law into districts for the election of members of the Senate and into districts for the election of members of the House of Delegates. Each district shall consist of adjoining territory and be compact in form. Natural boundaries and the boundaries of political subdivisions shall be followed insofar as practicable. The number of persons represented by each Senator shall be substantially equal, and the number of persons represented by each delegate shall be substantially equal. The boundaries of districts shall be re-established consistent with these standards prior to the state-wide general election in 1970 and every twentieth year thereafter, and prior to the state-wide general election in 1982 and every twentieth year thereafter.

Section 3.03. Redistricting Commission.

Six months before the first day of a regular session of the General Assembly in any year in which redistricting is to be effective, the presiding officer and the minority leader of each house of the General Assembly shall each appoint two persons to a commission on legislative redistricting. The Governor shall appoint an additional member who shall serve as the chairman of the commission. No member of the commission shall hold popularly elected office in the State.

Section 3.03a. Redistricting Procedure.

The commission on legislative redistricting shall submit a redistricting plan to the Governor who shall transmit the plan to the General Assembly by the first day of the regular session in any year in which redistricting is to be effective. If any other plan has not been provided by law within 50 days after the transmission of the commission plan to the General Assembly, then the commission plan shall become law. Upon petition of any registered voter, the Court of Appeals shall have original jurisdiction to review the plan of redistricting which becomes law. If a plan enacted by the General Assembly is found by the Court of Appeals to be unlawful, then the commission plan shall become law. If the Court of Appeals finds the commission plan is unlawful, then the Court of Appeals shall grant appropriate relief for the conduct of the impending election.

Section 3.07. Vacancies.

The method of filling a vacancy in the General Assembly shall be as prescribed by law, provided that the appointee to succeed a party member shall be a member of the same party. The person chosen to fill the vacancy shall serve only until the next state-wide general election held more than ninety days after the vacancy occurs, at which election any remaining portion of the unexpired term shall be filled.

Section 3.09. Appointment of Legislators to Other Offices.

No member of the General Assembly shall, during the term of office for which he was elected or appointed, be appointed to any office which shall have been created, or the compensation increased, by the General Assembly during such term.

Section 3.10. Immunity of Legislators.

Words used by a member of the General Assembly during any of its proceedings, including the proceedings of any committees and subcommittees, shall be absolutely privileged, and a member shall not be liable therefor in any civil action or criminal prosecution.

Section 3.13. Organization of General Assembly.

Each house shall be the judge of the qualifications and selection of its members, as prescribed by this Constitution and the laws of this State. Each house shall elect its own officers and determine its rules of procedure, and may permit its committees to meet between sessions of the General Assembly. Each house, by the affirmative vote of a majority of all its members present and voting, a quorum being present, may compel the attendance and testimony of witnesses and the production of records and papers either before the house as a whole or before any of its committees provided that the rights and the records and papers of all witnesses in such cases shall have been protected by law. Each house may punish a member for disorderly or disrespectful behavior by the affirmative vote of a majority of all its members present and voting, a quorum being present. Each house may expel a member by the affirmative vote of three-fifths of all its members present and voting, a quorum being present.

Section 3.14. Quorum.

A majority of all the members of each house shall constitute a quorum for the transaction of business in each house, but a smaller number may adjourn from day to day.

Section 3.15. Form of Laws.

The style of every law of this State shall be, "Be it enacted by the General Assembly of Maryland"; and the General Assembly shall enact no law except by bill. Every law enacted by the General Assembly shall embrace only one subject, which shall be described in its title. No law nor section of law shall be revived or amended by reference to its title or section only, nor shall any law be construed by reason of its title to grant powers or confer rights which are not expressly contained in the body of the act. It shall be the duty of the General Assembly in amending any article or section of the code of laws of this State to enact the article, section or law as it would read when amended.

Section 3.16. Consideration of Bills.

A bill may originate in either house of the General Assembly and be altered, amended, passed, or rejected by the other. Except during the first four days of a special session, no vote on final passage of a bill shall be taken until the bill shall be prepared in final form. No vote on final passage of a bill shall be taken until the fifth calendar day after its introduction in the house of origin and until the second calendar day after it reaches the second house, except upon the affirmative vote of three-fifths of all the members present and voting, a quorum being present, of the house in which suspension is requested. The General Assembly may provide by law that bills shall be continued for two consecutive regular sessions within a term of the General Assembly.

Section 3.17. Journal and Passage of Bills.

Each house of the General Assembly shall keep a daily journal of its proceedings and a transcript of its debates. The daily journal shall be published as soon as practicable and the transcript shall be available to the public. All final committee votes on all bills in both houses shall be entered by individual recorded vote in the daily journal of the appropriate house. No bill shall be enacted nor shall a resolution requiring the action of both houses be adopted unless it is passed in each house by a majority of all the members of that house present and voting, a quorum being present. A vote in joint session or by either house on any bill or resolution shall be taken only in public session. On final passage of a bill, including a bill proposing a constitutional amendment, or a resolution, the vote cast by each member shall be recorded in the journal of the house of which he is a member.

Section 3.18. Conflict of Interest.

The General Assembly shall provide by law for a code of ethics and for the regulation of conflicts of interest for all elected officials of the State of Maryland.

Section 3.01a. State Capital.

Annapolis is the capital of the State and the meeting place of the legislature.

Section 3.17a. Special Legislation.

The General Assembly shall pass no special law when a general law is applicable, and whether a general law is applicable shall be a matter for judicial determination.

Section 3.17b. Effective Date of Laws.

No law passed by the General Assembly shall take effect until the first day of July following passage unless otherwise expressly declared therein.

Amendment No. 1 to Committee Recommendation No. LB-2 -- By Delegate Byrnes from the floor. The amendment was duly seconded.

In Section 3.02, Legislative Districts, insert the following:

"To the extent practicable, Senate district boundaries shall cross county or Baltimore City political boundaries so as to contain delegate districts from different counties."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

Bard, Buzzell, Byrnes, Chabot, Linton.

Total -- 5

Negative

Delegates --

President, Tawes, Clark J., James, Adkins, Anderson, Armor, Bamberger, Barrick, Baumann, Beachley, Bennett, Borom,*Bradshaw, Bryson, Burdette, Burgess, Bushong, Caldwell, Carson, Case, Child, Cicone, Clagett, Clarke E. J., Dabrowski, Darby, Della, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kirkland, Kosakowski, Koss, Leitzel, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Morgan, Mosner, Mudd, Murphy, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Penniman, Powers, Pullen, Raley, Ritter, Robey F. C., Robie K. L., Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith J. H., Smith M. H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H. E., Taylor L., Ulrich, Wagandt, Webb, Weidemeyer, Wheatley, White, Willoner, Winslow.

*Boyce.

Total -- 113

Not Voting

Delegates --

Abramson, Beall, Blair, Boileau, Bothe, Boyer, Boyles, Cardin, Cleveland, Dorsey, Kiefer, Koger, Malkus, Miller E. T., Mitchell, Moser, Pascal, Peters, Price, Rollins, Smith A. W., Vecera, Willis.

Total -- 23

Amendment No. 2 to Committee Recommendation No. LB-2 -- By
Delegates Wagandt and Winslow from the floor. The amendment was
duly seconded.

In Section 3.02, Legislative Districts, strike out the
sentence beginning with the word: "The," and ending with the word,
"equal." and insert in lieu thereof the following sentence: "Each
house district shall not exceed in population any other house
district by more than fifteen per cent."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS
FOLLOWS:

Affirmative

Delegates --

Clark J., Armor, Bard, Beachley, Bennett, Chabot, Child, Groh, Grumbacher, Harris, Henderson, Hostetter, Jett, Koss, Marion, Mason, Mentzer, Mudd, Needle, Ritter, Robey F. C., Schloeder, Sollins, Taylor H. E., Taylor L., Ulrich, Wagandt, Webb, Willoner, Winslow.

Total -- 30

Negative

Delegates --

President, Tawes, James, Abramson, Anderson, Bamberger, Barrick, Baumann, Boileau, Bothe, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Caldwell, Carson, Case, Cicone, Clarke E. J., Darby, Della, Dorsey, Dulany, Eckenrode, Finch, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Hickman, Hopkins, Hutchinson, Johnson, Kahl, Key, Kiefer, Kirkland, Kosakowski, Leitzel, Linton, Lord, Macdonald, Malkus, Maurer, Miller B., Morgan, Moser, Mosner, Murphy, Murray D. S., Murray E. C., Neilson, Neumann, Penniman, Powers, Pullen, Raley, Robie K. L., Rosenstock, Rush, Scanlan, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith J. H., Smith M. H., Sosnowski, Soul, Stern, Storm, Weidemeyer, Wheatley, White.

Total -- 87

Not Voting

Delegates --

Adkins, Beall, Blair, Borom, Boyce, Boyer, Boyles, Cardin, Clagett, Cleveland, Dabrowski, Dukes, Fornos, Koger, Miller E. T., Mitchell, Pascal, Peters, Price, Rollins, Rybczynski, Smith A. W., Sybert, Vecera, Willis.

Total -- 25

Amendment No. 3 to Committee Recommendation No. LB-2 -- By
Delegates M. H. Smith and Hickman from the floor. The amendment
was duly seconded.

In Section 3.02, Legislative Districts, strike out the
numerals "1970" and insert in lieu thereof the numerals "1974."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS
FOLLOWS:

Affirmative

Delegates --

Clark J., Anderson, Baumann, Beachley, Carson, Child, Cicone, Clarke E. J., Darby, Della, Dorsey, Fox, Grant, Harkness, Hickman, Hostetter, Hutchinson, Jett, Johnson, Kahl, Kirkland, Kosakowski, Linton, Mudd, Murphy, Peters, Ritter, Rosenstock, Rush, Rybczynski, Smith M. H., Sosnowski, Soul, Storm, Webb, Wheatley.

Total -- 36

Negative

Delegates --

President, Tawes, James, Armor, Bamberger, Bard, Barrick, Bennett, Boileau, Bothe,*Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Case, Chabot, Dulany, Eckenrode, Finch, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harris, Henderson, Hopkins, Key, Koss, Litzel, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Morgan, Moser, Mosner, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Penniman, Powers, Pullen, Raley, Robey F. C., Robie K. L., Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith J. H., Sollins, Stern, Taylor H. E., Taylor L., Ulrich, Wagandt, Weidemeyer, White, Willoner, Winslow.

* Boyce.

Total -- 78

Not Voting

Delegates --

Abramson, Adkins, Beall, Blair, Borom, Boyer, Boyles, Caldwell, Cardin, Clagett, Cleveland, Dabrowski, Dukes, Fornos, Groh, Kiefer, Koger, Malkus, Miller E. T., Mitchell, Pascal, Price, Rollins, Smith A. W., Sybert, Vecera, Willis.

Total -- 27

Delegate Powers moved, duly seconded, that the Committee of the Whole rise and report to the Convention that it has under consideration Committee Recommendation No. LB-2.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

At 6:00 o'clock P. M. the Convention resumed its session.

The President reported to the Convention that the Committee of the Whole has under consideration Committee Recommendation No. LB-2. and desires to sit again on the matter.

At 6:02 o'clock P. M. on motion of Delegate Powers the Convention recessed until 7:30 o'clock P. M.

At 7:30 o'clock P. M. the Convention resumed its session.

Present at the roll call were the following delegates:

President, Tawes, Clark J., James, Abramson, Adkins, Anderson, Bamberger, Bard, Bennett, Boileau, Bothe, Boyles, Bradshaw, Burdette, Buzzell, Byrnes, Caldwell, Chabot, Clarke E. J., Dulany, Eckenrode, Fornos, Fox, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Key, Kiefer, Kirkland, Kosakowski, Koss, Linton, Lord, Macdonald, Malkus, Marion, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murray D. S., Neilson, Neumann, Penniman, Peters, Powers, Raley, Ritter, Robey F. C., Rush, Rybczynski, Schloeder, Schneider, Sherbow, Sickles, Singer, Smith M. H., Sollins, Soul, Stern, Storm, Taylor L., Vecera, Webb, Wheatley, White, Willoner, Winslow.

Total -- 86

REPORTS OF OTHER STANDING COMMITTEES

Committee Memorandum No. S&E-2 by the Committee on Suffrage and Elections, Helen L. Koss, Chairman, was offered in support of Committee Recommendation No. S&E-2.

* * *

WHICH WAS READ AND RECEIVED.

Minority Report No. S&E-2(A) -- By Delegates Byrnes, Cardin, Hutchinson, and Pascal of the Committee on Suffrage and Elections, relating to Committee Recommendation No. S&E-2.

A MINORITY REPORT to provide for elections at two year intervals, except for municipal elections.

* * *

WHICH WAS READ AND RECEIVED.

Minority Report No. S&E-2(B) -- By Delegates Rybczynski, Baumann, Cardin, Frederick, E. Miller, D. Murray, and Soul of the Committee on Suffrage and Elections, relating to Committee Recommendation No. S&E-2.

A MINORITY REPORT on Voting Age.

* * *

WHICH WAS READ AND RECEIVED.

MOTIONS AND RESOLUTIONS

Resolution No. 23 -- By Delegates Penniman and Powers.

A RESOLUTION expressing best wishes to the members of the Pennsylvania Constitutional Convention.

WHEREAS, Today, December 1, 1967, is the opening day of the Pennsylvania Constitutional Convention; and

WHEREAS, The writing of a constitution is the preparation of the most fundamental statement of the rights of men and is the framing of the basic organization that the people wish to have to represent and to serve them; and

WHEREAS, the experiences of the Constitutional Convention of Maryland, meeting in Annapolis for nearly three months, have shown the delegates the great challenges faced by those chosen to develop fundamental law and of the great opportunity to make a contribution to strengthening their State; and

WHEREAS, the delegates to the Constitutional Convention of Maryland wish the delegates to the Pennsylvania Constitutional Convention the same opportunity that they have had and the same success that they are striving for; now, therefore, be it

RESOLVED, That the Constitutional Convention of Maryland sends its very best wishes for success to the delegates to the Constitutional Convention now beginning in Pennsylvania; and be it further

RESOLVED, That the President of the Maryland Constitutional Convention is instructed to convey this Convention's best wishes and a copy of this resolution to the President of the Pennsylvania Constitutional Convention.

Delegate Penniman, duly seconded, moved to suspend the Rules so that Resolution 23 could be considered at this reading.

On motion of Delegate Penniman, duly seconded, Resolution 23 was read and adopted by yeas and nays voice vote.

At 7:55 o'clock P. M. Delegate Powers moved, duly seconded, that the Convention resolve itself into the Committee of the Whole and that debate schedule no. 8 be adopted.

Debate Schedule No. 8

For Debate of Committee Recommendations Nos. SF-2, 3, 4, and 5

There will be no general debate. Each Committee Recommendation will be presented separately. After the presentation of each Committee Recommendation (and of the Minority Report, if any), it will be open to debate and amendment, section-by-section. No speech shall exceed three (3) minutes, except as otherwise provided.

Presentation by sponsor of amendments limited to ten (10) minutes including time yielded in answering questions.

Note: Speeches alternate between sides.

WHICH WAS READ AND ADOPTED.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

COMMITTEE OF THE WHOLE -- GENERAL ORDERS OF THE DAY

Mr. Eney presided.

Consideration of Committee Recommendation No. LB-2 resumed.

Amendment No. 4 to Committee Recommendation No. LB-2 -- By Delegates M. H. Smith and Hickman from the floor. The amendment was duly seconded.

In Section 3.03, Redistricting Commission, strike out the words, "any year," and insert in lieu thereof the words, "the year prior to the year."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

Boyles, Caldwell, Cicone, Clarke E. J., Fox, Groh, Harkness, Hickman, Hostetter, Jett, Johnson, Kahl, Key, Kosakowski, Murray D. S., Peters, Pullen, Ritter, Rush, Rybczynski, Schneider, Siewierski, Smith M. H., Sosnowski, Storm, Weidemeyer, White.

Total -- 27

Negative

Delegates --

President, Tawes, Clark J., James, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Bennett, Blair, Boileau, Bothe, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Carson, Chabot, Darby, Eckenrode, Finch, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grumbacher, Gullett, Hanson, Hardwicke, Henderson, Hopkins, Hutchinson, Linton, Lord, Macdonald, Marion, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Needle, Neilson, Neumann, Pascal, Penniman, Powers, Raley, Robey F. C., Robie K. L., Rollins, Schloeder, Sherbow, Sickles, Singer, Sollins, Soul, Stern, Ulrich, Vecera, Wagandt, Winslow.

Total -- 70

Not Voting

Delegates --

Abramson, Baumann, Beachley, Beall, Borom, Boyce, Boyer, Byrnes, Cardin, Case, Child, Clagett, Cleveland, Dabrowski, Della, Dorsey, Dukes, Dulany, Fornos, Frederick, Grant, Hargrove, Harris, Kiefer, Kirkland, Koger, Koss, Leitzel, Malkus, Mason, Miller E. T., Murphy, Murray E. C., Price, Rosenstock, Scanlan, Smith A. W., Smith J. H., Sybert, Taylor H. E., Taylor L., Webb, Wheatley, Willis, Willoner.

Total -- 45

Amendment No. 5 to Committee Recommendation No. LB-2 -- By Delegate Storm from the floor. The amendment was duly seconded.

In Section 3.03, Redistricting Commission, strike out the words, "each appoint two persons," and insert in lieu thereof the following words: "appoint ten persons (with each appointing such number of the ten as will reflect the ratio of majority and minority members of the House of Delegates to the whole number of such members)."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

Eckenrode, Finch, Hostetter, Ritter, Robie K. L., Rollins, Rush, Rybczynski, Sosnowski, Soul, Stern, Storm, Sybert, Vecera.

Total -- 14

Negative

Delegates --

President, Tawes, Clark J., James, Abramson, Adkins, Armor, Bamberger, Bard, Bennett, Blair, Boileau, Bothe, Boyles, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Caldwell, Carson, Case, Cicone, Clarke E. J., Dulany, Fox, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Harkness, Henderson, Hickman, Hopkins, Jett, Key, Kirkland, Kosakowski, Koss, Linton, Lord, Macdonald, Marion, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Pullen, Raley, Robey F. C., Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith M. H., Sollins, Taylor L., Ulrich, Wagandt, Weidemeyer, White, Willoner, Winslow.

Total -- 86

Not Voting

Delegates --

Anderson, Barrick, Baumann, Beachley, Beall, Borom, Boyce, Boyer, Byrnes, Cardin, Chabot, Child, Clagett, Cleveland, Dabrowski, Darby, Della, Dorsey, Dukes, Fornos, Frederick, Hardwicke, Hargrove, Harris, Hutchinson, Johnson, Kahl, Kiefer, Koger, Leitzel, Malkus, Mason, Miller E. T., Murphy, Price, Rosenstock, Smith A. W., Smith J. H., Taylor H. E., Webb, Wheatley, Willis.

Total -- 42

Amendment No. 6 to Committee Recommendation No. LB-2 -- By Delegates Case, Hanson and James from the floor. The amendment was duly seconded.

In Section 3.03a, Redistricting Procedure, after the word, "law," insert the following words: "and the plan of the commission if it has not become law," and after the word, "becomes," add the words, "or would become."

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

President, Tawes, Clark J., James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Blair, Boileau, Bothe, Boyles, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Caldwell, Carson, Case, Chabot, Cicone, Clarke E. J., Della, Dulany, Eckenrode, Finch, Fox, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Grumbacher, Gullett, Hanson, Harkness, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Key, Kiefer, Kirkland, Kosakowski, Koss, Linton, Macdonald, Marion, Maurer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Pullen, Raley, Ritter, Robey F. C., Robie K. L., Rollins, Rosenstock, Rybczynski, Scanlan, Schloeder, Sherbow, Sickles, Singer, Smith M. H., Sollins, Sosnowski, Soul, Sybert, Taylor L., Ulrich, Vecera, Webb, Weidemeyer, Wheatley, White, Winslow.

Total -- 100

Negative

Delegates --

Kahl, Siewierski, Willoner.

Total -- 3

Not Voting

Delegates --

Baumann, Beachley, Beall, Bennett, Borom, Boyce, Boyer, Cardin, Child, Clagett, Cleveland, Dabrowski, Darby, Dorsey, Dukes, Fornos, Frederick, Groh, Hardwicke, Hargrove, Harris, Koger, Leitzel, Lord, Malkus, Mason, Mentzer, Miller E. T., Murphy, Price, Rush, Schneider, Smith A. W., Smith J. H., Stern, Storm, Taylor H. E., Wagandt, Willis.

Total -- 39

Amendment No. 7 to Committee Recommendation No. LB-2 -- By Delegate Grumbacher from the floor. The amendment was duly seconded.

In Section 3.13, Organization of General Assembly, after the word, "officers," add the words: "by secret ballot."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

Clark J., James, Anderson, Armor, Bard, Beachley, Bennett, Boileau, Bothe, Bryson, Bushong, Chabot, Child, Cicone, Clarke E. J., Fox, Grant, Groh, Grumbacher, Gullett, Hostetter, Kirkland, Koss, Macdonald, Malkus, Marion, Maurer, Mentzer, Miller B., Mitchell, Mudd, Murray E. C., Needle, Neilson, Neumann, Pascal, Robey F. C., Robie K. L., Rollins, Rosenstock, Rush, Rybczynski, Schloeder, Siewierski, Singer, Smith M. H., Sollins, Soul, Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Winslow.

Total -- 55

Negative

Delegates --

President, Tawes, Abramson, Adkins, Bamberger, Blair, Boyles, Bradshaw, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Carson, Case, Della, Dulany, Eckenrode, Finch, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Hanson, Harkness, Henderson, Hickman, Hopkins, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kosakowski, Lord, Morgan, Moser, Mosner, Penniman, Peters, Powers, Pullen, Raley, Ritter, Scanlan, Schneider, Sherbow, Sickles, Sosnowski, Stern, Storm, White, Willoner.

Total -- 55

Not Voting

Delegates --

Barrick, Baumann, Beall, Borom, Boyce, Boyer, Cardin, Clagett, Cleveland, Dabrowski, Darby, Dorsey, Dukes, Fornos, Frederick, Hardwicke, Hargrove, Harris, Koger, Leitzel, Linton, Mason, Miller E. T., Murphy, Murray D. S., Price, Smith A. W., Smith J. H., Sybert, Taylor H. E., Wheatley, Willis.

Total -- 32

Delegate Grumbacher moved, duly seconded, to reconsider the vote by which Amendment No. 7 was not adopted.

SAID MOTION PREVAILED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

Clark J., Adkins, Anderson, Armor, Bamberger, Bard, Beachley, Bennett, Boileau, Bothe, Boyce, Boyles, Bradshaw, Bryson, Burgess, Bushong, Buzzell, Byrnes, Carson, Case, Chabot, Child, Cicone, Dulany, Finch, Fox, Freedlander, Gallagher, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Henderson, Hopkins, Hostetter, Jett, Kirkland, Koss, Linton, Lord, Macdonald, Malkus, Marion, Maurer, Mentzer, Miller B., Mitchell, Moser, Mosner, Mudd, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Pascal, Penniman, Pullen, Raley, Ritter, Robey F. C., Robie K. L., Rollins, Rosenstock, Rush, Rybczynski, Schloeder, Schneider, Siewierski, Sollins, Singer, Smith M. H., Soul, Sybert, Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, White, Willoner, Winslow.

Total -- 86

Negative

Delegates --

Tawes, James, Abramson, Barrick, Blair, Burdette, Caldwell, Della, Eckenrode, Gilchrist, Harkness, Hickman, Hutchinson, Key, Kiefer, Morgan, Peters, Powers, Scanlan, Sherbow, Sickles, Sosnowski, Wheatley.

Total -- 23

Not Voting

Delegates --

President, Baumann, Beall, Borom, Boyer, Cardin, Clagett, Clarke E. J., Cleveland, Dabrowski, Darby, Dorsey, Dukes, Fornos, Frederick, Hardwicke, Hargrove, Harris, Johnson, Kahl, Koger, Kosakowski, Leitzel, Mason, Miller E. T., Murphy, Price, Smith A. W., Smith J. H., Stern, Storm, Taylor H. E., Willis.

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS
AS FOLLOWS:

Affirmative

Delegates --

Clark J., Anderson, Armor, Bard, Beachley, Bennett, Boileau, Bothe, Boyles, Bryson, Burgess, Bushong, Chabot, Fornos, Fox, Freedlander, Gallagher, Gill, Grant, Groh, Grumbacher, Gullett, Hanson, Harris, Kirkland, Koss, Macdonald, Malkus, Marion, Maurer, Mentzer, Miller B., Mitchell, Mudd, Neumann, Pascal, Raley, Ritter, Robey F. C., Robie K. L., Schloeder, Schneider, Siewierski, Singer, Sollins, Taylor L., Ulrich, Wagandt, White, Willoner, Winslow, Needle.

Total -- 52

Negative

Delegates --

President, Tawes, James, Abramson, Adkins, Bamberger, Barrick, Blair,*Bradshaw, Burdette, Buzzell, Byrnes, Caldwell, Carson, Case, Child, Cicone, Clarke E. J., Della, Dulany, Eckenrode, Finch, Gilchrist, Gleason, Harkness, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kosakowski, Linton, Lord, Morgan, Moser, Mosner, Murray D. S., Murray E. C., Neilson, Penniman, Peters, Powers, Pullen, Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Sherbow, Sickles, Smith M. H., Sosnowski, Soul, Storm, Sybert, Vecera, Weidemeyer, Wheatley.

* Boyce

Total -- 63

Not Voting

Delegates --

Baumann, Beall, Borom, Boyer, Cardin, Clagett, Cleveland, Dabrowski, Darby, Dorsey, Dukes, Frederick, Hardwicke, Hargrove, Koger, Leitzel, Mason, Miller E. T., Murphy, Price, Smith A. W., Smith J. H., Stern, Taylor H. E., Webb, Willis.

Total -- 26

Amendment No. 8 to Committee Recommendation No. LB-2 -- By Delegate Gallagher, Chairman of the Committee on the Legislative Branch from the floor. The amendment was duly seconded.

In Section 3.15, Form of Laws, after the word; "Assembly," insert the following: "; except supplementary appropriation laws,"; and insert the following sentence: "All supplementary appropriation laws shall be limited to the subject of appropriations, the purpose or purposes of which shall be clearly defined therein."

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS
FOLLOWS:

Affirmative

Delegates --

President, Tawes, Clark J., James, Abramson, Adkins, Anderson,
Armor, Bamberger, Bard, Barrick, Beachley, Bennett, Blair,
Boileau, Bothe, Boyles, Bradshaw, Burdette, Burgess, Bushong,
Buzzell, Byrnes, Caldwell, Carson, Case, Chabot, Child, Cicone,
Clarke E. J., Della, Dulany, Eckenrode, Finch, Fox, Freedlander,
Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher,
Gullett, Hanson, Harkness, Henderson, Hickman, Hopkins, Hostetter,
Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Kosakowski,
Linton, Lord, Macdonald, Marion, Maurer, Mentzer, Miller B.,
Mitchell, Morgan, Mosner, Mudd, Murray D. S., Murray E. C.,
Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers,
Pullen, Raley, Robey F. C., Robie K. L., Rollins, Rosenstock,
Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles,
Siewierski, Singer, Smith M. H., Sollins, Sosnowski, Soul,
Sybert, Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer,
Wheatley, White, Willoner, Winslow.

Total -- 108

Negative

Delegates --

None

Not Voting

Delegates --

Baumann, Beall, Borom, Boyce, Boyer, Bryson, Cardin, Clagett,
Cleveland, Dabrowski, Darby, Dorsey, Dukes, Fornos, Frederick,
Hardwicke, Hargrove, Harris, Koger, Koss, Leitzel, Malkus,
Mason, Miller E. T., Moser, Murphy, Price, Ritter, Smith A. W.,
Smith J. H., Stern, Storm, Taylor H. E., Willis.

Total -- 34

Amendment No. 9 to Committee Recommendation No. LB-2 -- By
Delegates Koss, Winslow and Wagandt from the floor. The amendment
was duly seconded.

Following Section 3.03a, Redistricting Procedure, add this
new section:

"Section 3. Congressional Redistricting.

"The State shall be redistricted for the election of members
of the House of Representatives of the United States Congress
following each decennial federal census. The following require-
ments shall be applicable to congressional redistricting: (1)

The districts shall be composed of adjoining territory and be compact in form. Natural boundaries and the boundaries of political subdivisions shall be followed as far as practicable. Each district shall not exceed in population any other district by more than fifteen per cent. (2) The General Assembly may provide by law for a redistricting commission to provide a plan for redistricting, such plan to be submitted to the General Assembly. Upon petition of any registered voter the Court of Appeals shall have original jurisdiction to review the plan of redistricting enacted by the General Assembly."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

Bard, Bennett, Bothe, Boyles, Byrnes, Chabot, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Harris, Jett, Koss, Macdonald, Marion, Maurer, Mentzer, Miller B., Mitchell, Mosner, Mudd, Needle, Pascal, Pullen, Scanlan, Schloeder, Sickles, Siewierski, Sollins, Ulrich, Wagandt, White, Winslow.

Total -- 35

Negative

Delegates --

President, Tawes, Clark J., Adkins, Anderson, Armor, Bamberger, Barrick, Beachley, Boileau,* Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Caldwell, Carson, Case, Child, Cicone, Clarke E. J., Della, Dulany, Eckenrode, Finch, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Harkness, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Johnson, Kahl, Key, Kiefer, Kirkland, Kosakowski, Linton, Lord, Morgan, Moser, Murray D. S., Murray E. C., Neilson, Neumann, Penniman, Peters, Powers, Raley, Robie K. L., Rollins, Rosenstock, Rush, Schneider, Sherbow, Smith M. H., Sosnowski, Soul, Storm, Sybert, Taylor L., Vecera, Weidemeyer, Wheatley, Willoner.

*Boyce

Total -- 71

Not Voting

Delegates --

James, Abramson, Baumann, Beall, Blair, Borom, Boyer, Cardin, Clagett, Cleveland, Dabrowski, Dorsey, Dukes, Frederick, Gill, Hardwicke, Hargrove, Koger, Leitzel, Malkus, Mason, Miller E. T., Murphy, Price, Ritter, Robey F. C., Rybczynski, Smith A. W., Smith J. H., Stern, Taylor H. E., Webb, Willis, Darby, Singer.

Total -- 35

Amendment No. 10 to Committee Recommendation No. LB-2 -- By Delegate Adkins from the floor. The amendment was duly seconded.

In Section 3.02, Legislative Districts, add the following new sentence: "No district shall cross the Chesapeake Bay."

AFTER DEBATE THE ABOVE AMENDMENT NO. 10 WAS WITHDRAWN WITH THE PERMISSION OF THE COMMITTEE OF THE WHOLE.

Amendment No. 11 to Committee Recommendation No. LB-2 -- By Delegates Gallagher and James from the floor. The amendment was duly seconded.

In Section 3.03a, Redistricting Procedure, strike out the numerals, "50," and insert in lieu thereof the word, "seventy."

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

President, Tawes, Clark J., James, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Beachley, Bennett, Boileau, Bothe, Boyles, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Caldwell, Carson, Case, Child, Cicone, Clarke E. J., Della, Dulany, Eckenrode, Finch, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Harkness, Harris, Henderson, Hickman, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kosakowski, Linton, Lord, Macdonald, Maurer, Miller B., Mitchell, Morgan, Mudd, Murray D. S., Murray E. C., Neilson, Neumann, Pascal, Penniman, Peters, Powers, Raley, Robie K. L., Rosenstock, Rybczynski, Scanlan, Schloeder, Sherbow, Sickles, Singer, Smith M. H., Sosnowski, Soul, Sybert, Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, White, Willoner, Winslow.

Total --90

Negative

Delegates --

Kirkland, Marion, Siewierski.

Total -- 3

Not Voting

Delegates --

Abramson, Baumann, Beall, Blair, Borom, Boyce, Boyer, Burgess, Bushong, Cardin, Chabot, Clagett, Cleveland, Dabrowski, Darby, Dorsey, Dukes, Frederick, Hanson, Hardwicke, Hargrove, Hopkins, Hostetter, Koger, Koss, Leitzel, Malkus, Mason, Mentzer, Miller E. T., Moser, Mosner, Murphy, Needle, Price, Pullen, Ritter, Robey F. C., Rollins, Rush, Schneider, Smith A. W., Smith J. H., Sollins, Stern, Storm, Taylor H. E., Wheatley, Willis.

Total -- 49

Amendment No. 12 to Committee Recommendation No. LB-2 -- By Delegate Dulany from the floor. The amendment was duly seconded.

In Section 3.02, Legislative Districts, insert the following sentence: "To the extent practicable, no county shall be divided so as to comprise only a part of more than one Senate district nor so as to comprise only a part of more than one Delegate district."

AFTER DEBATE AMENDMENT NO. 12 WAS WITHDRAWN WITH THE PERMISSION OF THE COMMITTEE OF THE WHOLE.

Amendment No. 13 to Committee Recommendation No. LB-2 -- By Delegate Gallagher from the floor. The amendment was duly seconded.

In Section 3.02, Legislative Districts, strike out the word, "Natural," and insert in lieu thereof the words, "Due regard shall be given to natural"; place a period after the word, "subdivisions," and strike out all of line 20.

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

President, Clark J., James, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Beachley, Bennett, Blair, Boileau, Bothe, Boyles, Bradshaw, Bryson, Buzzell, Byrnes, Caldwell, Case, Chabot, Child, Cicone, Clarke E. J., Della, Dulany, Eckenrode, Finch, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Kosakowski, Linton, Lord, Macdonald, Marion, Maurer, Miller B., Mitchell, Morgan, Moser, Mudd, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Pullen, Raley, Robie K. L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith M. H., Sollins, Sosnowski, Soul, Sybert, Taylor L., Ulrich, Wagandt, Webb, Weidemeyer, Wheatley, White, Willoner, Winslow, Powers.

Negative

Delegates --

Burdette, Mentzer.

Total -- 2

Not Voting

Delegates --

Tawes, Abramson, Baumann, Beall, Borom, Boyce, Boyer, Burgess, Bushong, Cardin, Carson, Clagett, Cleveland, Dabrowski, Darby, Dorsey, Dukes, Frederick, Hardwicke, Hargrove, Koger, Koss, Leitzel, Malkus, Mason, Miller E. T., Mosner, Murphy, Price, Ritter, Robey F. C., Smith A. W., Smith J. H., Stern, Storm, Taylor H. E., Vecera, Willis.

Total -- 38

Delegate Powers moved, duly seconded, that the Committee of the Whole rise and report to the Convention that it has under consideration Committee Recommendation No. LB-2 and desires to sit again on the matter.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

At 10:33 o'clock P. M. the Convention resumed its session.

The President reported to the Convention that the Committee of the Whole has under consideration Committee Recommendation No. LB-2, and desires to sit again on the matter.

At 10:37 o'clock P. M. on motion of Mr. Powers, duly seconded, the Convention adjourned until Saturday, December 2, 1967, at 10:00 o'clock A. M.

CONSTITUTIONAL CONVENTION OF MARYLAND
JOURNAL OF PROCEEDINGS

Annapolis, Md., Monday, Dec. 4, 1967.

The Convention met at 2:00 o'clock P. M.

Invocation was offered by Rev. John P. Gates, Bethesda First Baptist Church, Bethesda, Maryland.

Present at the roll call were the following delegates:

President, Tawes, Clark J., James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Clagett, Clarke E. J., Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Malkus, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Ritter, Robey F. C., Robie K. L., Rollins, Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith A. W., Smith J. H., Smith M. H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H. E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total -- 137

REPORT OF COMMITTEE ON CALENDAR AND AGENDA

Mr. Powers, Chairman of the Committee on Calendar and Agenda, reported the daily calendar and agenda.

WHICH WAS READ AND ADOPTED BY VOICE VOTE.

Debate Schedule No. 9

For Debate of Committee Recommendation No. S&E-2

There will be no general debate, and after presentation by the Chairman and the minority, the Committee Recommendation will be open to debate and amendment section-by-section, no speech exceeding three (3) minutes.

The three minute speech limitation does not apply to time consumed by the Committee Chairman or the spokesman for the minority in answering questions.

Presentation by sponsor of amendments limited to ten minutes including time yielded in answering questions.

Note: Speeches alternate between sides.

WHICH WAS READ AND ADOPTED ON MOTION OF DELEGATE POWERS.

REPORTS OF OTHER STANDING COMMITTEES

Mr. Powers, Chairman of the Committee on Calendar and Agenda, offered Committee Report No. C&A-1.

A REPORT on Resolution No. 19 by Delegate Chabot proposing the extension of the session of the Convention through January 12, 1968.

* * *

The Committee on Calendar and Agenda reports Resolution No. 19 favorably, as amended, as set forth below, and recommends its adoption:

WHEREAS, the enabling act for this Convention provides that the Convention shall continue in session not later than December 12, 1967, unless the Convention...extends the session...to a date not later than January 12, 1968; and

WHEREAS, it appears that the work of the Convention cannot be completed by December 12, 1967, and some additional time will be necessary, now therefore be it

RESOLVED, that the session of this Convention be extended to and including January 12, 1968.

WHICH WAS READ AND REFERRED TO THE COMMITTEE ON CALENDAR AND AGENDA OF THE CONVENTION.

Delegate Powers moved, duly seconded, that the Convention resolve itself into a Committee of the Whole to consider the General Orders of the Day.

COMMITTEE OF THE WHOLE -- GENERAL ORDERS OF THE DAY

Mr. Eney presided. 2:15 o'clock P. M.

Mr. Sherbow, Chairman of the Committee On State Finance and Taxation, reported on Committee Recommendation No. SF-2.

The Committee on State Finance and Taxation recommends that the Constitution include the following provision on lotteries:

Lotteries shall not be authorized by the State or its political subdivisions.

Mr. Dukes, from the Committee on State Finance and Taxation, reported on Minority Report No. SF-2(A).

This Minority Report relates to Committee Recommendation No. SF-2.

The Committee on Finance and Taxation voted 10-4, with one abstention, to approve the substance of Delegate Proposal No. 108. This proposal provides for a constitutional prohibition against both the licensing and sponsorship of a lottery by the State or any political subdivision.

Essentially, the opposition to a constitutional prohibition against lotteries resolves itself into a rather clear-cut issue. Consideration of the respective merits and disadvantages of a lottery as a system of revenue to procure money is not a proper subject for constitutional deliberation. Neither, we feel, is the matter of lotteries, in general, a proper subject for constitutional prohibition.

* * *

The minority believes that the legislature which will be structured by this great convention and its proposed constitution will be a vibrant, aggressive, well-balanced and sage body. We are much more concerned that such a body have the flexibility and power to achieve its enormous potential for molding the course of Maryland history than we are in fear that it will succumb to "pressures" and thrust the State into a lottery situation which might be ill-advised and of little value.

* * *

The question is not whether we will have lotteries in the State of Maryland, but whether they will be castigated in the supreme pronouncement of the constitution and overlooked in everyday life, as they are now, or whether the matter will be left open for the legislature to deal with in a constructive and organized manner.

It would be ludicrous, were it not sad, that one of the nation's great horse racing states should quake in fear that its people are too simple and too easily misguided to withstand the evils of gambling in another area, again, when and if, the legislature should ever decide to permit lotteries. If one can picture the problem in the form of a news cartoon, we see the honorable delegates to this convention standing in the center of a great forest fire, leaning over and smothering a small burning bush with a blanket labeled "Constitution," and then leaning back against a smoldering oak tree (A Mighty Oak?) and, with a sigh of relief, breathing: "Now we are safe."

Delegate Powers moved, duly seconded, that the Committee of the Whole rise and report to the Convention that it has under consideration Committee Recommendation No. SF-2 and desires to sit again on the matter.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

At 6:00 o'clock P. M. the Convention resumed its session.

The President reported to the Convention that the Committee of the Whole has under consideration Committee Recommendation No. SF-2 and desires to sit again on the matter.

At 6:03 o'clock P. M. on motion of Delegate Powers, duly seconded, the Convention took a recess until 7:30 o'clock P. M.

At 7:30 o'clock P. M. the Convention resumed its session.

Present at the roll call were the following delegates:

President, Tawes,*Clark J., James, Adkins, Bamberger, Bard, Baumann, Beachley, Beall, Bennett, Borom, Bothe, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Byrnes, Caldwell, Carson, Case, Chabot, Child, Clagett, Clarke E. J., Della, Dorsey, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Henderson, Hickman,*Hostetter, Hutchinson, Jett, Johnson, Kahl, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Malkus, Marion, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Ritter, Robey F. C., Robie K. L., Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Sherbow, Sickles, Singer, Smith A. W., Smith J. H., Smith M. H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H. E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Cardin
* Hopkins

Total -- 121

Delegate Powers moved, duly seconded, that today's calendar and agenda be amended to include items Committee Report No. C&A-1 and Resolution 19 so that they could be considered at this session of the Convention.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

REPORTS OF OTHER STANDING COMMITTEES

Mr. Powers, Chairman of the Committee on Calendar and Agenda, reported Committee Report No. C&A-1.

A REPORT on Resolution No. 19 by Delegate Chabot proposing the extension of the session of the Convention through January 12, 1968.

Delegate Powers moved, duly seconded, that the language in Committee Report No. C&A-1 be substituted for the language in Resolution No. 19.

Resolution No. 19 -- By Delegate Chabot.

A RESOLUTION to extend the session of this Convention to January 12, 1968.

WHEREAS the enabling act for this Convention (L. 1967, c.4, Sec. 10) provides that, "the Convention by a vote of the majority of the whole number of delegates (may extend) the session of the Convention to a date not later than January 12, 1968,"; and

WHEREAS it has been made abundantly clear that the work of this Convention probably cannot be completed by December 12, 1967, except by unreasonable limitations upon orderly and adequate consideration of the provisions of our proposed fundamental document; and

WHEREAS the extension proposed herein seems necessary for the Committee on Calendar and Agenda to plan for a Convention extending past December 12, 1967; and

WHEREAS if this Resolution is adopted the Convention can and should adjourn sine die before January 12, 1968, if its work is concluded before that date, now therefore be it

RESOLVED that the session of this Convention be extended to January 12, 1968.

SAID MOTION PREVAILED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

President, Tawes, Clark J., Adkins, Bamberger, Bard, Beachley, Blair, Boileau, Borom, Bothe, Boyce, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Cardin, Case, Chabot, Child, Clagett, Clarke E. J., Dabrowski, Darby, Dulany, Eckenrode, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hopkins, Hutchinson, Jett, Johnson, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Marion, Mentzer, Moser, Mosner, Mudd, Murphy, Murray D. S., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price, Pullen, Raley, Robey F. C., Robie K. L., Rollins, Rosenstock, Rush, Scanlan, Schloeder, Sherbow, Sickles, Singer, Smith J. H., Smith M. H., Sollins, Sosnowski, Stern, Sybert, Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total -- 104

Negative

Delegates --

None

Not Voting

Delegates --

James, Abramson, Anderson, Armor, Barrick, Baumann, Beall, Bennett, Boyer, Bushong, Carson, Cicone, Cleveland, Della, Dorsey, Dukes, Finch, Fornos, Hickman, Hostetter, Kahl, Key, Malkus, Mason, Maurer, Miller B., Miller E. T., Mitchell, Morgan, Murray E. C., Ritter, Rybczynski, Schneider, Siewierski, Smith A. W., Soul, Storm, Taylor H. E.

Total -- 38

RESOLUTION NO. 19 AS AMENDED WAS THEN ADOPTED BY ROLL CALL VOTES AS FOLLOWS:

Affirmative

Delegates --

President, Tawes, Clark J., James, Adkins, Bamberger, Bard, Beachley, Beall, Blair, Boileau, Borom, Bothe, Boyce, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Cardin, Case, Chabot, Child, Clagett, Clarke E. J., Dabrowski, Darby, Dulany, Eckenrode, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hopkins, Hutchinson, Jett, Johnson, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Marion,

Maurer, Mentzer, Mitchell, Moser, Mosner, Mudd, Murphy, Murray
D. S., Needle, Neilson,*Pascal, Penniman, Peters, Powers, Price,
Pullen, Raley, Robey F. C., Robie K. L., Rollins, Rosenstock,
Scanlan, Schloeder, Schneider, Sherbow, Sickles, Singer, Smith
A. W., Smith J. H., Smith M. H., Sollins, Sosnowski, Stern,
Sybert, Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer,
Wheatley, White, Willis, Willoner, Winslow.

* Neumann

Total -- 110

Negative

Delegates --

None

Not Voting

Delegates --

Abramson, Anderson, Armor, Barrick, Baumann, Bennett, Boyer,
Bushong, Carson, Cicone, Cleveland, Della, Dorsey, Dukes, Finch,
Hickman, Hostetter, Kahl, Key, Malkus, Mason, Miller B., Miller
E. T., Morgan, Murray E. C., Ritter, Rush, Rybczynski, Siewierski,
Soul, Storm, Taylor H. E.

Total -- 32

Minority Report No. R&P-1(D) -- By Delegates Bennett, Bothe,
Burgess, Hardwicke, Mitchell, L. Taylor, and Willoner, of the
Committee on Personal Rights and the Preamble.

This Minority Report relates to Committee Recommendation No.
R&P-1.

A MINORITY REPORT to provide that Section 3 of the
Declaration of Rights include an express prohibition against
discrimination based on race, color, religion, or national
origin.

* * *

WHICH REPORT WAS RECEIVED BY THE CONVENTION.

Delegate Powers moved, duly seconded, that the Convention
resolve itself into a Committee of the Whole to resume con-
sideration of the General Orders of the Day.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

COMMITTEE OF THE WHOLE -- GENERAL ORDERS OF THE DAY

Mr. Eney presided. 7:47 o'clock P. M.

Consideration of Committee Recommendation No. SF-2 (Lotteries) resumed.

The Chairman put the question on the adoption of Committee Recommendation No. SF-2.

COMMITTEE RECOMMENDATION NO. SF-2 WAS ADOPTED BY ROLL CALL VOTE AS FOLLOWS:

Affirmative

Delegates --

Tawes, Clark J., James, Abramson, Adkins, Anderson, Armor, Bard, Beachley, Bennett, Boyles, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Carson, Chabot, Child, Darby, Della, Dulany, Fornos, Fox, Freeland, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumacher, Gullett, Hanson, Henderson, Hopkins, Hostetter, Kiefer, Koss, Leitzel, Macdonald, Marion, Maurer, Mentzer, Miller B., Mitchell, Moser, Murray E. C., Neilson, Pascal, Powers, Price, Pullen, Raley, Robey F. C., Robie K. L., Rosenstock, Schioeder, Schneider, Sherbow, Sickles, Singer, Smith A. W., Smith M. H., Sollins, Stern, Storm, Sybert, Taylor H. E., Taylor L., Ulrich, Wagandt, Willis, Willoner, Winslow.

Total -- 75

Negative

Delegates --

Bamberger, Baumann, Beall, Blair, Boileau, Borom, Boyce, Burgess, Caldwell, Cardin, Clagett, Clarke E. J., Dabrowski, Dorsey, Eckenrode, Finch, Hardwicke, Hargrove, Harkness, Harris, Hutchinson, Jett, Johnson, Kahl, Kirkland, Koger, Kosakowski, Linton, Lord, Morgan, Mosner, Mudd, Murphy, Murray D. S., Needle, Neumann, Penniman, Peters, Ritter, Rollins, Rush, Rybczynski, Scanlan, Siewierski, Smith J. H., Sosnowski, Soul, Vecera, Webb, Weidemeyer, Wheatley, White.

Total -- 52

Not Voting

President, Barrick, Bothe, Boyer, Bushong, Case, Cicone, Cleveland, Dukes, Frederick, Hickman, Key, Malkus, Mason, Miller E. T.

Total -- 15

Delegate Scanlan, duly seconded, moved that the vote by which Committee Recommendation No. SF-2 was adopted be reconsidered.

SAID MOTION PREVAILED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

Adkins, Bamberger, Bard, Baumann, Beall, Blair, Boileau, Bothe, Boyce, Boyer, Boyles, Burgess, Caldwell, Cardin, Carson, Clagett, Clarke E. J., Dabrowski, Della, Dorsey, Eckenrode, Finch, Frederick, Gallagher, Grant, Hardwicke, Harkness, Harris, Hickman, Hostetter, Hutchinsinon, Jett, Johnson, Kahl, Kirkland, Koger, Kosakowski, Linton, Lord, Malkus, Marion, Miller B., Morgan, Moser, Mosner, Mudd, Murphy, Murray D. S., Needle, Neumann, Penniman, Peters, Raley, Ritter, Robey F. C., Rollins, Rush, Rybczynski, Scanlan, Siewierski, Singer, Smith J. H., Smith M. H., Sollins, Sosnowski, Soul, Storm, Vecera, Weidemeyer.

Total --69

Negative

Delegates --

Tawes, Clark J., James, Abramson, Anderson, Armor, Beachley, Bennett, Borom, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Chabot, Child, Darby, Dulany, Fornos, Fox, Freedlander, Gilchrist, Gill, Gleason, Groh, Grumbacher, Gullett, Hanson, Hargrove, Henderson, Hopkins, Kiefer, Leitzel, Macdonald, Maurer, Mentzer, Mitchell, Murray E. C., Neilson, Pascal, Powers, Price, Pullen, Robie K. L., Rosenstock, Schloeder, Schneider, Sherbow, Sickles, Smith A. W., Stern, Taylor H. E., Ulrich, Wagandt, White, Willis, Willoner, Winslow.

Total -- 58

Not Voting

Delegates --

President, Barrick, Bushong, Case, Cicone, Cleveland, Dukes, Key, Koss, Mason, Miller E. T., Sybert, Taylor L., Webb, Wheatley.

Total -- 15

Committee Recommendation No. SF-2 was then before the Committee of the Whole and open to amendments.

Amendment No. 1 to Committee Recommendation No. SF-2 -- By Delegates Scanlan, Raley, Boileau and Finch from the floor. The amendment was duly seconded.

On page 1, strike out all of lines 9 and 10 and insert in lieu thereof the following:

"Neither the State nor the governing body of any political subdivision of the State shall operate or authorize a lottery for the purpose of financing any expenses of government."

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

Clark J., James, Abramson, Adkins, Bamberger, Bard, Baumann, Beachley, Beall, Blair, Boileau, Bothe, Boyce, Boyer, Boyles, Burgess, Buzzell, Caldwell, Cardin, Carson, Clagett, Clarke E. J., Dabrowski, Dorsey, Eckenrode, Finch, Frederick, Grant, Hargrove, Harkness, Harris, Hutchinson, Jett, Johnson, Kahl, Kirkland, Koger, Linton, Lord, Malkus, Marion, Morgan, Moser, Mosner, Mudd, Murphy, Murray D. S., Needle, Neumann, Pascal, Penniman, Peters, Raley, Ritter, Robey F. C., Robie K. L., Rollins, Rush, Rybczynski, Scanlan, Schloeder, Singer, Smith J. H., Smith M. H., Sosnowski, Soul, Storm, Taylor H. E., Vecera.

Total -- 69

Negative

Delegates --

Tawes, Anderson, Armor, Bennett, Borom, Bradshaw, Bryson, Burdette, Byrnes, Chabot, Child, Darby, Dulany, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Groh, Grumbacher, Gullett, Hanson, Harwicke, Henderson, Hickman, Hopkins, Hostetter, Kiefer, Kosakowski, Koss, Leitzel, Macdonald, Maurer, Mentzer, Miller B., Mitchell, Murray E. C., Neilson, Powers, Price, Pullen, Rosenstock, Schneider, Sherbow, Sickles, Siewierski, Smith A. W., Sollins, Stern, Sybert, Taylor L., Ulrich, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total -- 60

Not Voting

Delegates --

President, Barrick, Bushong, Case, Cicone, Cleveland, Della, Dukes, Key, Mason, Miller E. T., Wagandt, Webb.

Total -- 13

COMMITTEE RECOMMENDATION NO. SF-2 WAS ADOPTED AS AMENDED BY ROLL CALL VOTE AS FOLLOWS:

Affirmative

Delegates --

President, Tawes, Clark J., James, Abramson, Adkins, Bamberger, Bard, Beachley, Beall, Bennett, Blair, Boileau, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Clagett, Clarke E. J., Darby, Dulany, Eckenrode, Finch, Frederick, Gallagher, Gilchrist,

Gleason, Grant, Groh, Grumbacher, Gullett, Hanson, Hargrove, Harkness, Harris, Hopkins, Hostetter, Hutchinson, Kiefer, Kirkland, Koger, Koss, Leitzel, Linton, Lord, Macdonald, Marion, Maurer, Mentzer, Miller B., Morgan, Moser, Mosner, Mudd, Murphy, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price, Raley, Ritter, Robey F. C., Robie K. L., Rollins, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Singer, Smith A. W., Smith J. H., Smith M. H., Sollins, Soul, Stern, Storm, Taylor H. E., Ulrich, Vecera, Wagandt, Wheatley, White, Willis, Winslow.

Total -- 101

Negative

Delegates --

Anderson, Armor, Baumann, Borom, Child, Dabrowski, Dorsey, Fornos, Fox, Freedlander, Gill, Hardwicke, Henderson, Hickman, Jett, Johnson, Kahl, Kosakowski, Mitchell, Murray D. S., Murray E. C., Needle, Pullen, Rosenstock, Siewierski, Sybert, Taylor L., Weidemeyer, Willoner.

Total -- 29

Not Voting

Delegates --

Barrick, Bushong, Cicone, Cleveland, Della, Dukes, Key, Malkus, Mason, Miller E. T., Sosnowski, Webb.

Total -- 12

Mr. Case from the Committee on State Finance and Taxation reported Committee Recommendation No. SF-3.

The Committee on State Finance and Taxation recommends that the Constitution include the following provisions with respect to taxes, assessments, and exemptions:

Section 8.01 Power to Tax.

(a) Taxes shall be imposed only for public purposes and by the elected representatives of the people exercising legislative powers.

(b) The political subdivisions shall retain, unless withdrawn by the General Assembly, such taxing powers as they have at the time of the adoption of this Constitution. The General Assembly may confer or withdraw taxing powers by laws applicable to one or more political subdivisions.

Section 8.02 Assessments.

Assessments with respect to any tax shall be made pursuant to uniform rules and pursuant to such classifications of property, taxpayers, and events as may be determined by law, which classes shall include property devoted to agricultural use as prescribed by law.

Section 8.02-1 Equalization.

The State shall prescribe and administer uniform rules and methods for determining property tax assessments. State funds distributed to political subdivisions on the basis of assessments of property shall be determined by equalized assessments between such subdivisions, as may be provided by law.

Section 8.02-2 Exemptions.

Exemptions with respect to any tax imposed by the State shall be made pursuant to uniform rules within classes of property, taxpayers, or events.

Delegate Powers moved, duly seconded, that the Committee of the Whole rise and report to the Convention that the Committee has concluded its consideration of Committee Recommendation No. SF-2 and adopted the Recommendation as amended by the Committee. Also, that the Committee has under consideration Committee Recommendation No. SF-3 and desires to sit again on this matter.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

At 10:25 o'clock P. M. the Convention resumed its session.

The President reported to the Convention that the Committee of the Whole has concluded consideration of Committee Recommendation No. SF-2 and approved that Recommendation as amended and is considering Committee Recommendation No. SF-3 and desires to sit again on the matter.

The President referred Committee Recommendation No. SF-2 together with the amendment adopted to the Committee on Style, Drafting and Arrangement.

At 10:30 o'clock P. M. on motion of Mr. Powers, duly seconded, the Convention adjourned until Tuesday, December 5, 1967, at 10:00 o'clock A. M.

CONSTITUTIONAL CONVENTION OF MARYLAND

JOURNAL OF PROCEEDINGS

Annapolis, Maryland
Saturday, December 2, 1967

The Convention met at 10:00 o'clock A. M.

Invocation was offered by Reverend William M. Driscoll,
Loyola College, Baltimore, Maryland.

Present at the roll call were the following delegates:

President, Tawes, Clark J., James, Abramson, Adkins,
Anderson, Armor, Bamberger, Bard, Barrick, Baumann,
Beachley, Beall, Bennett, Blair, Boileau, Borom, Bothe,
Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette,
Burgess, Bushong, Buzzell, Byrnes, Caldwell, Cardin,
Carson, Case, Chabot, Child, Clagett, Clarke E. J.,
Dabrowski, Darby, Della, Dorsey, Dukes, Dulany,
Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander,
Gallagher, Gilchrist, Gill, Gleason, Grant, Groh,
Grumbacher, Hanson, Hardwicke, Hargrove, Harkness,
Harris, Henderson, Hickman, Hopkins, Hostetter,
Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland,
Koger, Kosakowski, Koss, Litzel, Linton, Lord,
Macdonald, Marion, Mason, Maurer, Mentzer, Miller B.,
Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray
D. S., Murray E. C., Needle, Neilson, Neumann, Pascal,
Penniman, Peters, Powers, Price, Pullen, Raley, Ritter,
Robey F. C., Robie K. L., Pollins, Rosenstock, Rush,
Rybczynski, Scanlan, Schloeder, Schneider, Sherbow,
Sickles, Siewierski, Singer, Smith J. H., Smith M. H.,
Sollins, Sosnowski, Soul, Stern, Storm, Sybert,
Taylor H. E., Taylor L., Ulrich, Vecera, Wagandt, Webb,
Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total -- 136

REPORT OF COMMITTEE ON CALENDAR AND AGENDA

Mr. Powers, Chairman, Committee on Calendar and Agenda,
reported the daily calendar and agenda.

Delegate Powers, duly seconded, moved to amend the
calendar by inserting in Item No. 9 "Resumption of Consideration
of Committee Recommendation No. LB-2," and the calendar be
adopted as amended.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

REPORTS OF OTHER STANDING COMMITTEES

Delegate Koss, Chairman, Suffrage and Election Committee, duly seconded, moved to suspend Rule 28A so that Committee Recommendation No. 34E-2 could be reported to the Convention after the date provided for in the Rules.

SAID MOTION PREVAILED BY YEAH AND NAYE AS FOLLOWS:

Affirmative

Delegates --

President, Tawes, Clark J., James, Adkins, Archer, Barberger, Erd, Baumann, Beachley, Feall, Bennett, Blair, Poileau, Brom, Bothe, Bover, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Caldwell, Cardin, Case, Chabot, Child, Cliggett, Clarke E. J., Dabrowski, Darby, Della, Dukes, Erenrode, Fox, Frederick, Freedlander, Callacher, Cilebriest, Glason, Groh, Grumbacher, Hansen, Fargrove, Parkness, Harris, Henderson, Pickman, Dorkins, Hutchinson, Jett, Johnson, Key, Kiefer, Kirkland, Kosakowski, Koss, Leitzel, Liton, Macdonald, Marion, Mason, Maurer, Mentzer, Miller E. Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray E. C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Peers, Price, Pullen, Paley, Ritter, Pchey E. C., Polie K. L., Rosenstock, Rush, Scanlan, Schloeder, Schneider, Sharbow, Sickles, Siewierski, Smith J. H., Smith M. F., Solins, Soul, Stern, Svbert, Ulrich, Vecera, Wagandt, Webb, Wedemever, White, Willis, Willoner.

Total -- 108

Negative

Delegates --

Rep.

Total -- 0

Not Voting

Delegates --

Johnson, Anderson, Barrick, Bushong, Byrnes, Carson, Cabane, Cleeland, Dorsey, Dulany, Finch, Ferras, Gills, Grant, Gilett, Hardwicke, Hostetter, Kahl, Koser, Ladd, Walker, Tyler E. T., Murray D. C., Rollins, Roberson, Singer, Smith A. W., Sosnowski, Stern, Taylor W. T., Taylor J., Westley, Winslow, Boyce.

Total -- 34

Delegate Foss, Chairman, Committee on Suffrage and Elections, offered Committee Recommendation No. S&E-2.

A RECOMMENDATION that Article II of the Constitution dealing with Suffrage and Elections shall include Eligibility of Voters in Federal, State and County Elections; Disqualification Provisions; Uniform Conduct of Elections; and General Election Procedures.

WHICH WAS READ AND REFERRED TO THE COMMITTEE OF THE WHOLE.

Delegate Powers, duly seconded, moved that the Convention resolve itself into a Committee of the Whole to consider the General Orders of the Day.

COMMITTEE OF THE WHOLE. -- GENERAL ORDERS OF THE DAY.

Mr. Eney presided. 10:18 o'clock A. M.

Consideration of Committee Recommendation No. LB-2 resumed.

Mr. Gilchrist, from the Legislative Branch Committee, reported on Minority Report No. LB-2(?). By Delegates Gilchrist, Linton, J. Clark, and Della, of the Committee on the Legislative Branch. This Minority Report relates to Committee Recommendation No. LB-2.

A MINORITY REPORT that Section 3.17 of the new Constitution concerning the Legislative Branch shall include a requirement that bills be adopted by a majority of all the members of the Senate and the House of Delegates, to read as follows:

No bill shall be enacted nor shall a resolution requiring the action of both houses be adopted unless it is passed in each house by a majority of all the members of that house.

* * *

Amendment No. 14, to accompany Minority Report No. LB-2(?), to Committee Recommendation No. LB-2 -- By Delegates Gilchrist, Linton, J. Clark and Della, from the floor. The amendment was duly seconded.

In Section 3.13. Organization of General Assembly, in each instance strike out the following: "present and voting, a quorum being present".

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

Tawes, Clark J., James, Abramson, Adkins, Anderson, Armer, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Borem, Bover, Bowles, Bradshaw, Burdette, Buzzell, Caldwell, Cardin, Case, Chahot, Child, Clagett, Clarke E. J., Dahrowski, Darby, Della, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gilchrist, Grant, Hardgrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Kev, Kirkland, Kosakowski, Koss, Leitzel, Linton, Lord, Mason, Maurer, Mentzer, Moser, Mosner, Mudd, Murphy, Murray D. S., Murray E. C., Needle,* Penniman, Peters, Powers, Price, Pullen, Raley, Pitter, Robey F. C., Robie K. L., Rosenstock, Rush, Rybczynski, Scanlan, Schneider, Sherbow, Siewierski, Singer, Smith J. H., Smith M. H., Soul, Stern, Storm, Svbert, Ulrich, Vecera, Wagandt, Webb, Weidenever, Willis, Willoner.
*Neumann.

Total -- 99

Negative

Delegates --

Bamberger, Bard, Bothe, Boyce, Bryson, Byrnes, Callacher, Gill, Gleason, Grumbacher, Hanson, Hardwicke, Macdonald, Marion, Miller B., Mitchell, Morgan, Neilson, Pascal, Schloeder, Sickles, Sollins, Taylor L., White.

Total -- 24

Not Voting

Delegates --

President, Burgess, Bushong, Carson, Ciccone, Cleveland, Dorsey, Groh, Gullett, Kiefer, Koger, Malkus, Miller E. T., Pellins, Smith A. W., Sosnowski, Taylor H. F., Wheatley, Winslow.

Total -- 19

Amendment No. 15, to accompany Minority Report No. LP-2(*), to Committee Recommendation No. LP-2 -- By Delegates Gilchrist, Linton, J. Clark and Della, from the floor. The amendment was duly seconded.

In Section 3.16. Consideration of Bills in lines 39 and 40 strike out the following: "present and voting, a quorum being present."

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

President, Taves, Clark J., James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Blair, Boileau, Boron, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Buzzell, Eynes, Caldwell, Cardin, Case, Chabot, Child, Claggett, Clarke F. J., Dabrowski, Darby, Della, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Hanson, Hardwicke, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kirkland, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D. S., Murray F. C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Price, Pullen, Paley, Ritter, Robey F. C., Robie K. L., Rosenstock, Rush, Rybczynski, Scanlan, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith J. H., Smith M. H., Sollins, Soul, Stern, Storm, Svbert, Ulrich, Vecera, Wagandt, Webb, Weidemever, Willis, Willoner.

Total -- 122

Negative

Delegates --

Taylor L., White.

Total -- 2

Not Voting

Delegates --

Burgess, Bushong, Carson, Cicone, Cleveland, Dorsey, Gullett, Kiefer, Koger, Malkus, Miller E. T., Rollins, Schloeder, Smith A. W., Sosnowski, Taylor H. F., Wheatley, Winslow.

Total -- 18

Amendment No. 10, to Accompany Minority Report No. M-2(1), to Committee Recommendation No. LR-2 -- by Delegates Gilchrist, Linton, J. Clark and Della, from the floor. The amendment was duly seconded.

In Section 3.17. Journal and Passage of Bills strike out the following:

Present and voting, a quorum being present.

THE FOLLOWING AMENDMENT WAS READ AND ADOPTED BY THE BOARD AS FOLLOWS:

Affirmative

Delegates --

President, Taves, Clark J., James, Abramson, Adkins, Anderson, Armor, Bard, Barrick, Baumann, Beachley, Beall, Blair, Boileau, Bover, Bovles, Bradshaw, Bryson, Burdette, Buzzell, Byrnes, Caldwell, Cardin, Case, Chabot, Child, Clagett, Clarke E. J., Dabrowski, Darby, Della, Dukes, Dulaney, Eckenrode, Finch, Fornos, Frederick, Freedlander, Gallagher, Gilchrist, Gleason, Grant, Grumbacher, Hanson, Hardwicke, Hardgrove, Harkness, Harris, Henderson, Hickman, Hopkins, Postetter, Hutchinson, Jett, Johnson, Kahl, Kev, Kirkland, Kosakowski, Leitzel, Linton, Lord, Macdonald, Mason, Maurer, Mentzer, Mitchell, Morgan, Moser, Mosner, Mudd, Murphy, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Penniman, Peters, Powers, Price, Pullen, Raley, Ritter, Robey F. C., Robie K. L., Rosenstock, Rush, Rybczynski, Scanlan, Schneider, Sherbow, Siewierski, Singer, Smith J. H., Smith M. H., Soul, Stern, Storm, Sybert, Ulrich, Vecera, Wagandt, Webb, Weidemeyer, White, Willis, Willoner.

Total -- 109

Negative

Delegates --

Bamberger, Bennett, Fox, Marion, Miller B., Pascal, Schloeder, Sickles, Collins, Taylor L.

Total -- 10

Not Voting

Delegates --

Borom, Bothe,*Burgess, Bushong, Carson, Cicone, Cleveland, Dorsey, Gill, Groh, Gullett, Kiefer, Koger, Koss, Malkus, Miller E. T., Rollins, Smith A. W., Sosnowski, Taylor H. E., Wheatley, Winslow.*Boyce

Total -- 23

Amendment No. 17, to Committee Recommendation No. LB-2 -- By Delegate Gallagher from the floor. The amendment was duly seconded.

In Section 3.16. Consideration of Bills. strike out the words "shall be prepared in final form" and insert in lieu thereof the following words: "and all amendments thereto shall be in writing".

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

President, Tawes, Clark J., James, Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Beachley, Bennett, Blair, Boileau, Borom, Bothe, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Cardin, Case, Child, Clagett, Clarke E. J., Dabrowski, Darby, Della, Dukes, Dulany, Eckenrode, Finch, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Hanson, Hardwicke, Hargrove, Harkness, Henderson, Hickman, Hopkins, Hostetter, Hutchsinon, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Kosakowski, Koss, Litzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murray D. S., Murray F. C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Pullen, Raley, Ritter, Robey F. C., Robie K. L., Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Sherbow, Sickles, Singer, Smith J. H., Smith M. H., Sollins, Soul, Storm, Sybert, Taylor H. E., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner.

Total -- 119

Negative

Delegates --

None.

Total -- 0

Not Voting

Delegates --

Beall, Bushong, Carson, Chabot, Cicone, Cleveland, Dorsey, Fornos, Gullett, Harris, Koger, Malkus, Miller E. T., Murphy, Price, Rollins, Schneider, Siewierski, Smith A. W., Sosnowski, Stern, Taylor L., Winslow.

Total -- 23

Amendment No. 18, to Committee Recommendation No. LB-2 -- By Delegate Gallagher, Chairman of the Committee on the Legislative Branch, from the floor. The amendment was duly seconded.

In Section 3.17. Journal and Passage of Bills immediately preceding the word "daily" add the word "current",

and after the word "proceedings" add the words ", which shall be open to public inspection at all reasonable times,".

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

President, Tawes, Clark J., Abramson, Adkins, Anderson, Armor, Bamberger, Bard, Barrick, Baumann, Leachlev, Bennett, Blair, Boileau, Borom, Boyce, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Cardin, Case, Chabot, Child, Clagett, Clarke E. J., Dabrowski, Darby, Della, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Hanson, Hardwicke, Hargrove, Harkness, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koss, Leitzel, Linton, Lord, Marion, Maurer, Mentzer, Miller B., Mitchell, Morgan, Mosner, Mudd, Murphy, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Raley, Ritter, Robey F. C., Robie K. L., Rosenstock, Rush, Rybczynski, Scanlan, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith J. H., Smith M. H., Sollins, Soul, Stern, Storm, Sybert, Taylor H. E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner.

Total -- 117

Negative

Delegates --

Bothe.

Total -- 1

Not Voting

Delegates --

James, Beall, Bushong, Carson, Cicone, Cleveland, Dorsey, Dukes, Gullett, Harris, Koger, Macdonald, Malkus, Mason, Miller E. T., Moser, Price, Pullen, Rollins, Schloeder, Smith A. W., Sosnowski, Winslow, Kosakowski.

Total -- 24

Amendment No. 19, to Committee Recommendation No. LB-2 -- By Delegates Sherbow and Case, from the floor. The amendment was duly seconded.

In Section 3.17. Journal and Passage of Bills after the word "resolution" add the words:

"or for the election or confirmation of any State officer".

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

President, Tawes, Clark J., James, Adkins, Anderson, Armor, Bard, Barrick, Baumann, Beachley, Bennett, Forom, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Brynes, Caldwell, Cardin, Case, Chabot, Child, Clagett, Clarke E. J., Dabrowski, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Hanson, Hardwicke, Hargrove, Harkness, Harris, Hickman, Hopkins, Hostetter, Hutchinson, Key, Kiefer, Kirkland, Koss, Leitzel, Linton, Lord, Macdonald, Marion, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Pullen, Raley, Ritter, Robey F. C., Robie K. L., Rollins, Rosenstock, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith J. H., Sollins, Taylor H. E., Taylor L., Ulrich, Wagandt, Webb, White, Willis, Willoner, Winslow.

Total -- 102

Negative

Delegates --

Abramson, Bamberger, Blair, Boileau, Boyce, Della, Frederick, Henderson, Jett, Johnson, Kahl, Kosakowski, Murphy, Powers, Rush, Rybczynski, Smith M. H., Sosnowski, Soul, Stern, Storm, Sybert, Vecera, Weidemeyer.

Total -- 24

Not Voting

Delegates --

Beall, Bothe, Bushong, Carson, Cicone, Cleveland, Darby, Dorsey, Gullett, Koger, Malkus, Mason, Miller E. T., Price, Smith A. W., Wheatley.

Total -- 16

Delegate Powers, duly seconded, moved that the Committee of the Whole Rise and report to the Convention that the Committee of the Whole has under consideration Committee Recommendation No. LB-2 and desires to sit again on the subject.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

At 12:30 o'clock P. M. the Convention resumed its session.

The President reported to the Convention that the Committee of the Whole has under consideration Committee Recommendation No. LB-2 and desires to sit again on the matter.

At 12:37 o'clock P. M., on motion of Mr. Powers, the Convention took a recess until 2:00 o'clock P. M.

At 2:00 o'clock P. M., the Convention resumed its session.

Present at the roll call were the following delegates:

President, Tawes, Clark J., James, Abramson, Adkins, Anderson, Bamberger, Bard, Barrick, Baumann, Beachley, Beall, Bennett, Boileau, Borom, Bothe, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Buzzell, Byrnes, Caldwell, Cardin, Carson, Case, Chabot, Child, Clagett, Dabrowski, Darby, Della, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Fox, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Hanson, Hardwicke, Hargrove, Harkness, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Morgan, Moser, Mosner, Mudd, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Pascal, Penniman, Peters, Powers, Pullen, Raley, Ritter, Robey F. C., Robie K. L., Rosenstock, Rush, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith J. H., Smith M. H., Sollins, Sosnowski, Soul, Stern, Storm, Sybert, Taylor H. E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total -- 127

MOTIONS AND RESOLUTIONS

Resolution No. 24 -- By the Committee on Local Government, M. Peter Moser, Chairman.

A RESOLUTION urging that the Governor promptly establish a Commission on Local Affairs.

WHEREAS, one of the principal goals of the Constitutional Convention is to make more viable and responsive the various units of local government throughout the State. In order properly to achieve that goal, this Constitutional Convention believes it is desirable to establish a Commission on Local Affairs; now, therefore, be it

RESOLVED that the Constitutional Convention urges the Governor promptly to establish a Commission on Local Affairs composed of members from the Legislative and Executive Branches of the Government, units of local government and from the public at large, to (1) analyze existing Public General and Public Local Law and to advise the General Assembly what statutes affecting local governments should be retained, repealed or amended upon the adoption of the new Constitution; (2) assist counties in the preparation and adoption of their instruments

of government; (3) to advise the Governor, the Governor's Task Force on Modern Management and the General Assembly on the desirability of establishing a permanent Department on Local Affairs; and (4) to perform such further duties and functions as may be assigned to it by the Governor or General Assembly.

WHICH WAS READ THE FIRST TIME AND REFERRED TO THE COMMITTEE ON LOCAL GOVERNMENT.

A memorandum was offered in support of Resolution No. 24.

* * *

At 2:10 o'clock P. M., Delegate Powers, duly seconded, moved that the Convention resolve itself into a Committee of the Whole to resume consideration of Committee Recommendation No. LB-2 and other General Orders of the Day.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

COMMITTEE OF THE WHOLE -- GENERAL ORDERS OF THE DAY

Mr. Eney presided.

Consideration of Committee Recommendation No. LB-2

Amendment No. 20, to Committee Recommendation No. LB-2 -- By Delegate James, from the floor. The amendment was duly seconded.

In Section 3.17. Journal and Passage of Bills strike out the sentence beginning with the words "All final" and including the word "house."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

Tawes, Clark J., James, Abramson, Adkins, Barrick, Daumann, Beachley, Boyer, Buzzell, Caldwell, Cardin, Carson, Case, Clarke E. J., Dabrowski, Darby, Della, Dukes, Dulany, Eckenrode, Frederick, Hardwicke, Harkness, Henderson, Hickman, Hopkins, Hostetter, Jett, Johnson, Kahl, Kosakowski, Leitzel, Morgan, Peters, Pullen, Raley, Rush, Rybczynski, Sherbow, Sickles, Smith M. H., Storm, Sybert, Tavior L., Vecera, Weidemeyer, Wheatley, Willis.

Total -- 49

Negative

Delegates --

Anderson, Bamberger, Bard, Beall, Bennett, Boileau, Borom, Boyce, Boyles, Bradshaw, Bryson, Burdette, Burgess, Bushong, Byrnes, Chabot, Child, Clagett, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Groh, Grumbacher, Hanson, Hargrove, Harris, Key, Kirkland, Koger, Koss, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Moser, Mudd, Murray D. S., Murray E. C., Needle, Neilson, Pascal, Penniman, Powers, Robey F. C., Robie K. L., Rosenstock, Scanlan, Schloeder, Schneider, Siewierski, Singer, Smith J. H., Sollins, Soul, Stern, Taylor H. E., Ulrich, White, Willoner, Winslow.

Total -- 70

Not Voting

Delegates --

President, Armor, Blair, Bothe, Cicone, Cleveland, Dorsey, Finch, Gullett, Hutchinson, Kiefer, Malkus, Miller E. T., Mosner, Murphy, Neumann, Price, Ritter, Rollins, Smith A. W., Sosnowski, Wagandt, Webb.

Total -- 23

Amendment No. 21, to Committee Recommendation No. LB-2 -- By Delegate James, from the floor. The amendment was duly seconded.

In Section 3.17. Journal and Passage of Bills strike out the words "and a transcript of its debates";

and strike out the words "the transcript" and insert in lieu thereof the word "it".

AFTER DEBATE AMENDMENT NO. 21 WAS WITHDRAWN WITH PERMISSION OF THE COMMITTEE OF THE WHOLE.

Amendment No. 22, to Committee Recommendation No. LB-2 -- By Delegate Gallagher, from the floor. The amendment was duly seconded.

In Section 3.16. Consideration of Bills in line 33 strike the period and insert in lieu thereof the following: ", nor shall any"; and in line 34 strike the word "No"; and in the same line strike out the word "shall".

WHICH WAS WITHDRAWN.

Amendment No. 23, to Committee Recommendation No. LB-2 -- By Delegates Gallagher, Bard, Chabot, Claquett, J. Clark, Fox, Grumbacher, Hanson, James, Koss, Marion, Mudd, Needle, Scanlan, Sickles, Sollins, H. E. Taylor, L. Taylor, Wagandt, and Winslow, from the floor. The amendment was duly seconded.

Following Section 3.03a. Redistricting Procedure add this new sentence:

"The State shall be divided by law into districts for the election of members of the United States House of Representatives. Each district shall consist of adjoining territory and be compact in form. Due regard shall be given to natural boundaries and the boundaries of political subdivisions. The number of persons represented by each member of the United States House of Representatives shall be substantially equal. The boundaries of districts shall be re-established consistent with these standards in accordance with the most recent census for the apportionment of the House of Representatives under the United States Constitution. Upon petition of any registered voter, the Court of Appeals shall have original jurisdiction to review the districting and grant appropriate relief if it finds the districting to be unlawful."

WHICH WAS WITHDRAWN.

At 4:10 o'clock P. M., Mr. Scanlan, from the Committee on the Legislative Branch, reported Minority Report No. LB-2(B). By Delegates Scanlan, Della, Gilchrist, Linton and Peters, of the Committee on the Legislative Branch. This Minority Report relates to Committee Recommendation No. LB-2.

A MINORITY REPORT that Article III of the new Constitution not provide for a code of ethics and not require the General Assembly to enact conflict of interest legislation.

A majority of the Committee on the Legislative Branch has recommended that the Constitution contain the following as a section of the Legislative Article:

Section 3.18. Conflict of Interest

The General Assembly shall provide by law for a code of ethics and for the regulation of conflicts of interest for all elected officials of the State of Maryland.

Comment:

We respectfully disagree. On the grounds more fully stated in this minority report, we urge that the majority's recommendation in this instance not be adopted by the Convention, and that the new Constitution remain silent on the question of conflict of interest. Specifically, our reasons are:

1. The Provision is Unnecessary. There can be no dispute that the Maryland General Assembly has, and will continue to possess, plenary legislative power. Therefore, the legislature has all the power necessary, not only to adopt a code of ethics for itself by rule or statute, but also to enact conflict of interest legislation applicable to all officials of this State.

* * *

2. The Provision is Unenforceable. The law is uniformly and completely settled in Maryland that the Judiciary may not mandamus or otherwise compel a state legislature to enact a law, however desirable the particular legislation may be. The minority believes it wrong and somewhat a debasement of the purposes and functions of the Constitution to place in it a provision that cannot rise above the nature of an unenforceable ultimatum to the legislature and which is not otherwise necessary for the protection of basic and fundamental liberties, rights, and privileges of the people.

3. The Provision is Meaningless. Even if it were assumed that the provision proposed by the majority could be judicially enforced and the legislature thus required to implement it, the General Assembly could easily avoid the letter, if not the spirit, of the provision.

* * *

4. The Provision Demeans the Legislative Power. No one has proposed Constitutional provisions that state that the Governor should execute the laws wisely or admonish the courts to interpret them justly. Why, therefore, should we constitutionally command the General Assembly to exercise its legislative authority to do good in a particular area, however troublesome. The proposed provision, in the opinion of the minority, is another manifestation of the unfortunate and unjustified distrust of the General Assembly reflected in too many proposals that have come before this Convention for possible inclusion in the Constitution.

* * *

Conclusion

For these reasons, we respectfully request that the Convention reject the proposed Section 3.18 as recommended by the majority of the Committee on the Legislative Branch. We suggest instead that the new Constitution remain silent on the question of conflict of interest.

Amendment No. 24, to accompany Minority Report No. LB-2 (P),
to Committee Recommendation No. LB-2 -- By Delegates Scanlan,
Della, Gilchrist, Linton, and Peters, from the floor. The
amendment was duly seconded.

Strike out all of Section 3.18 Conflict of Interest.

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS
AS FOLLOWS:

Affirmative

Delegates --

Anderson, Baumann, Beachley, Boileau, Bothe, Boyer, Boyles,
Buzzell, Cardin, Carson, Darby, Dulany, Eckenrode, Fox,
Frederick, Freedlander, Gilchrist, Harkness, Henderson,
Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl,
Kosakowski, Leitzel, Linton, Morgan, Mudd, Neilson, Neumann,
Peters, Powers, Pullen, Ritter, Rybczynski, Scanlan, Smith
J. H., Smith M. H., Soul, Stern, Storm, Sybert, Vecera,
Webb, Weidemeyer, Willis, Willoner.

Total -- 50

Negative

Delegates --

President, Clark J., James, Bamberger, Beall, Bennett, Borom,
Bradshaw, Bryson, Burdette, Burgess, Bushong, Byrnes, Chabot,
Child, Clagett, Dabrowski, Dukes, Finch, Fornos, Gallagher,
Gill, Gleason, Grant, Grumbacher, Hanson, Hardwicke,
Hargrove, Harris, Kiefer, Kirkland, Koger, Koss, Macdonald,
Marion, Mason, Maurer, Mentzer, Miller B., Mitchell, Moser,
Murray D. S., Murray E. C., Needle, Pascal, Penniman, Raley,
Robey F. C., Robie K. L., Rosenstock, Schloeder, Schneider,
Sherbow, Siewierski, Singer, Sollins, Sosnowski, Taylor H. E.,
Taylor L., White, Winslow.

Total -- 61

Not Voting

Delegates --

Tawes, Abramson, Adkins, Armor, Bard, Barrick, Blair, Boyce,
Caldwell, Case, Cicone, Clarke E. J., Cleveland, Della, Dorsey,
Groh, Gullett, Key, Lord, Malkus, Miller E. T., Mosner, Murphy,
Price, Rollins, Rush, Sickles, Smith A. W., Ulrich, Wagandt,
Wheatley.

Total -- 31

Amendment No. 25, to Committee Recommendation No. LB-2 -- By Delegate Moser, from the floor. The amendment was duly seconded.

In Section 3.17a Special Legislation after the word "applicable" strike out the comma and the rest of sentence.

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

President, Clark J., James, Anderson, Bamberger, Baumann, Beachley, Beall, Bennett, Boileau, Borom, Bothe, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Bushong, Buzzell, Byrnes, Cardin, Carson, Chabot, Child, Clagett, Dabrowski, Darby, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Frederick, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Hanson, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Hutchinson, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Macdonald, Marion, Mason, Maurer, Miller B., Morgan, Moser, Mudd, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Pascal, Penniman, Powers, Pullen, Ritter, Robey F. C., Robie K. L., Rosenstock, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Siewierski, Smith J. H., Smith M. H., Sollins, Sosnowski, Soul, Stern, Sybert, Taylor H. E., Taylor L., Ulrich, Vecera, Wagandt, Webb, Weidemever, Wheatley, White, Willis, Willoner, Winslow.

Total -- 107

Negative

Delegates --

None.

Total -- 0

Not Voting

Delegates --

Tawes, Abramson, Adkins, Armor, Bard, Barrick, Blair, Boyce, Caldwell, Case, Cicone, Clarke E. J., Cleveland, Della, Fox, Groh, Grumbacher, Gullett, Hardwicke, Lord, Malkus, Mentzer, Miller E. T., Mitchell, Mosner, Murphy, Peters, Price, Raley, Rollins, Rush, Sickles, Singer, Smith A. W., Storm.

Total -- 35

Amendment No. 26, to Committee Recommendation No. LB-2 -- By Delegate Grant, from the floor. The amendment was duly seconded.

Following Section 3.17b. Effective Date of Laws add the following new section:

"Section 3. __. Compilation of Laws

"The General Assembly shall provide by law for the establishment of a uniform system of compilation of any statute, resolution, rule, regulation, ordinance, order, proclamation, or any other action by any unit of government having the force of law and for their publication."

WHICH AMENDMENT WAS READ AND REJECTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

Anderson, Bothe, Boyer, Boyles, Burgess, Brvnes, Chabot, Clagett, Dabrowski, Dorsey, Dukes, Dulany, Eckenrode, Finch, Gleason, Grant, Grumbacher, Hanson, Hargrove, Harkness, Hostetter, Kirkland, Koger, Koss, Linton, Lord, Marion, Mason, Mentzer, Mitchell, Murray E. C., Needle, Pullen, Ritter, Robey F. C., Rybczynski, Siewierski, Smith J. H., Sollins, Sosnowski, Soul, Stern, Taylor L., Webb, Weidemeyer, Wheatley, White, Willoner.

Total -- 48

Negative

Delegates --

President, Clark J., James, Bamberger, Beachley, Beall, Bennett, Blair, Boileau, Borom, Bradshaw, Brvson, Burdette, Bushong, Buzzell, Cardin, Child, Clarke E. J., Darby, Fornos, Fox, Freedlander, Gallagher, Gilchrist, Gill, Harris, Henderson, Hickman, Hopkins, Hutchinson, Jett, Johnson, Kahl, Kiefer, Kosakowski, Leitzel, Macdonald, Maurer, Miller B., Morgan, Moser, Mudd, Murray D. S., Neilson, Neumann, Pascal, Penniman, Powers, Raley, Robie K. L., Rosenstock, Scanlan, Schloeder, Schneider, Sherbow, Singer, Smith M. H., Sybert, Taylor H. E., Ulrich, Waqandt, Willis, Winslow.

Total -- 63

Not Voting

Delegates --

Tawes, Abramson, Adkins, Armor, Bard, Barrick, Baumann, Boyce, Caldwell, Carson, Case, Cicone, Cleveland, Della, Frederick, Groh, Gullett, Hardwicke, Key, Malkus, Miller F. T., Mosner, Murphy, Peters, Price, Rollins, Rush, Sickles, Smith A. W., Storm, Vecera.

Total -- 21

Amendment No. 27, to Committee Recommendation No. LB-2 -- By Delegate Gallagher, from the floor. The amendment was duly seconded.

In Section 3.16 Consideration of Bills in line 30 after the period strike out everything down to and including line 41 and insert in lieu thereof the following:

"No vote on final passage of a bill shall be taken until the bill and all amendments thereto shall be in writing. Except during the first four days of a special session, or except upon the affirmative vote of three-fifths of all the members of the house in which suspension is requested, no vote on final passage of a bill shall be taken until the fifth calendar day after its introduction in the house of origin and until the second calendar day after it reaches the second house."

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

President, Clark J., James, Anderson, Bamberger, Beachley, Bennett, Blair, Borom, Bothe, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Bushong, Byrnes, Cardin, Chabot, Child, Clagett, Clarke E. J., Dabrowski, Darby, Dorsey, Dulany, Eckenrode, Finch, Fornos, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Grumbacher, Hanson, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Jett, Johnson, Kahl, Key, Kiefer, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Mentzer, Miller E., Mitchell, Morgan, Moser, Mudd, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Pascal, Penniman, Powers, Pullen, Raley, Ritter, Robey F. C., Robie K. L., Rosenstock, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith J. H., Smith M. P., Sollins, Sosnowski, Soul, Stern, Sybert, Taylor E. E., Taylor L., Ulrich, Wagandt, Webb, Weidemeyer, Wheatley, Willis, Willoner, Winslow.

Total -- 106

Negative

Delegates --

None.

Total -- 0

Not Voting

Delegates --

Tawes, Abramson, Adkins, Armor, Bard, Barrick, Baumann, Beall, Boileau,*Buzzell, Caldwell, Carson, Case, Cicone, Cleveland, Della, Dukes, Fox, Frederick, Groh, Gullett, Hardwicke, Hutchinson, Malkus, Miller E. T., Mosner, Murphy, Peters, Price, Rollins, Rush, Smith A. W., Storm, Vecera, White.*Boyce

Total -- 36

Amendment No. 28, to Committee Recommendation No. LB-2 -- By Delegate Gallagher from the floor. The amendment was duly seconded.

Strike out all of Section 3.17 Journal and Passage of Bills and insert in lieu thereof the following Sections:

"Section 3.17 Passage of Bills

"No bill shall be enacted nor shall a resolution requiring the action of both houses be adopted unless it is passed in each house by a majority of all the members of that house. A vote in joint session or by either house on any bill or resolution or for the election or confirmation of any state officer shall be taken only in public session.

"Section 3.17a Journals

"The General Assembly shall provide by rule that each house shall keep a current daily journal of its proceedings, which shall be open to public inspection at all reasonable times, and a transcript of its debates. The General Assembly shall provide by rule that the daily journal of each house shall be published as soon as practicable and the transcript shall be available to the public. The General Assembly shall provide by rule that all final committee votes on all bills in both houses shall be entered by individual recorded vote in the daily journal of the appropriate house. The General Assembly shall provide by rule that, on final passage of a bill, including a bill proposing a constitutional amendment, or a resolution, the vote cast by each member shall be recorded in the journal of the house of which he is a member."

WHICH AMENDMENT WAS READ AND ADOPTED BY YEAS AND NAYS AS FOLLOWS:

Affirmative

Delegates --

President, Clark J., James, Anderson, Bamberger, Beachley, Blair, Boileau, Borom, Bothe, Boyer, Boyles, Bradshaw, Bryson, Burdette, Burgess, Bushong, Byrnes, Cardin, Chabot, Child, Clagett, Clarke E. J., Dabrowski, Darby, Dorsey, Dulany, Eckenrode, Finch, Fornos, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Grumbacher, Hanson, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Jett, Johnson, Kahl, Key, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Miller B., Mitchell, Morgan, Moser, Mudd, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Pascal, Penniman, Powers, Pullen, Raley, Ritter, Robey F. C., Robie K. L., Rosenstock, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith J. H., Smith M. H., Sollins, Sosnowski, Soul, Stern, Sybert, Taylor H. E., Taylor L., Ulrich, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total -- 105

Negative

Delegates --

None.

Total -- 0

Not Voting

Delegates --

Tawes, Abramson, Adkins, Armor, Bard, Barrick, Baumann, Beall, Bennett, Boyce, Buzzell, Caldwell, Carson, Case, Cicone, Cleveland, Della, Dukes, Fox, Frederick, Groh, Gullett, Hardwicke, Hutchinson, Kiefer, Malkus, Mentzer, Miller E. T., Mosner, Murphy, Peters, Price, Rollins, Rush, Smith A. W., Storm, Vecera.

Total -- 37

The Chairman put the question of the adoption of Committee Recommendation No. LB-2 as amended.

COMMITTEE RECOMMENDATION NO. LB-2 AS AMENDED WAS ADOPTED BY ROLL CALL AS FOLLOWS:

Affirmative

Delegates --

President, Clark J., James, Anderson, Eamberger, Beachley, Blair, Boileau, Borom, Bothe, Boyles, Bradshaw, Bryson, Burdette, Burgess, Bushong, Byrnes, Cardin, Chabot, Child, Clagett, Clarke E. J., Dabrowski, Darby, Dorsey, Dukes, Dulany, Eckenrode, Finch, Fornos, Freedlander, Gallagher, Gilchrist, Gill, Gleason, Grant, Grumbacher, Hanson, Hargrove, Harkness, Harris, Henderson, Hickman, Hopkins, Hostetter, Jett, Johnson, Kahl, Key, Kirkland, Koger, Kosakowski, Koss, Leitzel, Linton, Lord, Macdonald, Marion, Mason, Maurer, Miller B., Mitchell, Morgan, Moser, Mudd, Murray D. S., Murray E. C., Needle, Neilson, Neumann, Pascal, Penniman, Powers, Pullen, Raley, Ritter, Robey F. C., Robie K. L., Rosenstock, Rybczynski, Scanlan, Schloeder, Schneider, Sherbow, Sickles, Siewierski, Singer, Smith J. H., Smith M. E., Sollins, Sosnowski, Soul, Stern, Sybert, Taylor H. E., Taylor L., Ulrich, Wagandt, Webb, Weidemeyer, Wheatley, White, Willis, Willoner, Winslow.

Total -- 105

Negative

Delegates --

None.

Total -- 0

Not Voting

Delegates --

Tawes, Abramson, Adkins, Armor, Bard, Barrick, Baumann, Beall, Bennett, Boyce, Boyer, Buzzell, Caldwell, Carson, Case, Cicone, Cleveland, Della, Fox, Frederick, Groh, Gullett, Hardwicke, Hutchinson, Kiefer, Malkus, Mentzer, Miller E. T., Mosner, Murphy, Peters, Price, Rollins, Rush, Smith A. W., Storm, Vecera.

Total -- 37

Delegate Powers, duly seconded, moved that the Committee of the Whole Rise and report to the Convention that the Committee has concluded its consideration of Committee Recommendation No. LB-2 and adopted it as amended.

SAID MOTION PREVAILED BY YEAS AND NAYS VOICE VOTE.

At 5:29 o'clock P. M., the Convention resumed its session.

The President reported to the Convention that the Committee of the Whole has concluded its consideration of Committee Recommendation No. LB-2 and adopted Committee Recommendation No. LB-2 as amended.

The President referred Committee Recommendation No. LB-2 to the Committee on Style, Drafting and Arrangement.

REPORTS OF OTHER STANDING COMMITTEES

Minority Report No. S&E-2(C) -- By Delegates White, Byrnes, Chabot, and Schloeder, of the Committee on Suffrage and Elections. This Minority Report relates to Committee Recommendation No. S&E-2.

A MINORITY REPORT recommending that the right to vote not be extended to nonresident property owners in municipalities.

* * *

WHICH WAS READ AND RECEIVED.

Committee Report No. LG-1 -- By the Committee on Local Government, M. Peter Moser, Chairman.

A REPORT on Resolution No. 24, a resolution urging that the Governor promptly establish a Commission on Local Affairs.

For the reasons set forth in the Memorandum accompanying Resolution No. 24, the Committee on Local Government recommends that Resolution No. 24 be adopted by the Convention.

WHICH WAS READ AND REFERRED TO THE COMMITTEE ON CALENDAR AND AGENDA.

At 5:35 o'clock P. M., on motion of Mr. Powers, duly seconded, the Convention adjourned until Monday, December 4, 1967, at 2:00 o'clock P. M.



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DO NOT CIRCULATE

